

shall be paid, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 48, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum, etc., and prescribing the form of ballot.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 91, "An Act amending Article 7005, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Regular Session of the Forty-third Legislature, page 636, Chapter 213, including the Counties of Brooks, Carson, Culberson, Dallas, Deaf Smith, Dimmit, Grimes, Hansford, Hidalgo, Hudspeth, Hutchinson, Kenedy, Kleberg, Montgomery, Moore, Randall, Willbarger, Willacy, and Zapata, in the list of Counties exempted from the provisions of Title 121, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 452, "An Act to amend Articles 6111, 6113, 6116, and 6122, Revised Civil Statutes of Texas of 1925, so as to provide that a special partner may contribute property as capital to the common stock of part-

nership limited; and that such special partner shall be liable for the debts of said partnership to the value he places on said property contributed; and also providing that the partnership limited may use in its firm name the word 'company', or any other general term, or the name of a special partner, provided such name is followed by the word 'limited', and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

SIXTIETH DAY

(Tuesday, April 27, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Felty
Adkins	Fielden
Alexander	Fox
Alsup	Fuchs
Amos	Gibson
Baker	Graves
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Blankenship	Harbin
Boethel	Hardin
Bond	Harper
Boyer	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Hartzog
Brown	Heflin
Burton	Herzik
Cagle	Holland
Carssow	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Celaya	Hull
Cleveland	Hyder
Colquitt	Jackson
Davis of Haskell	James
Davis of Jasper	Johnson of Ellis
Davison of Fisher	Johnson
Davisson	of Tarrant
of Eastland	Jones of Angelina
Dean	Jones of Atascosa
Deglandon	Jones of Falls
Derden	Jones of Wise
Dickison	Keefe
Dollins	Keith
England	Kelt

Kenyon	Quinn
Kern	Ragsdale
King	Reader
Knetsch	Reed of Bowie
Langdon	Reed of Dallas
Lankford	Rhodes
Lanning	Riddle
Leath	Roark
Leonard	Ross
Leyendecker	Russell
Little	Rutta
Loggins	Schuenemann
London	Settle
Lucas	Sewell
Mann	Sharpe
Mauritz	Shell
Mays	Simpson
McConnell	Skaggs
McCracken	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McKee	Smith of Tarrant
McKinney	Stevenson
Metcalf	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Tennyson
Nicholson	Thornton
Oliver	Vale
Palmer	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Westbrook
Petsch	Winfree
Powell	Wood
Prescott	Worley

Absent—Excused

Callan	Pope
Farmer	Thornberry

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Thornberry for today, on motion of Mr. Jones of Wise.

Mr. Dean for today, and the balance of the week, on account of official business, on motion of Mr. Keith.

The following Members were granted leaves of absence, on account of illness:

Mr. Callan for today, on motion of Mr. Morse.

Mr. Farmer for today, on account

of illness in his family, on motion of Mr. Dickison.

Mr. Pope for today, and the balance of the week, on motion of Mr. Harris of Dallas.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Powell:

H. B. No. 1140, A bill to be entitled "An Act to repeal Chapter 20 of Special Laws of the Regular Session of the Forty-fourth Legislature."

Referred to the Committee on Game and Fisheries.

Mr. Harris of Dallas moved to introduce, at this time, and have placed on first reading, House Bill No. 1139.

The motion prevailed by the following vote:

Yeas—130

Adkins	Gibson
Alexander	Hamilton
Alsup	Hankamer
Anos	Hanna
Baker	Harbin
Beckworth	Hardin
Bell	Harper
Blankenship	Harrell
Boethel	Harris of Archer
Bond	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Hartzog
Bradford	Heflin
Bridgers	Herzik
Broadfoot	Holland
Brown	Hoskins
Burton	Howard
Cagle	Huddleston
Carssow	Hull
Cathey	Jackson
Celaya	James
Cleveland	Johnson of Ellis
Colquitt	Johnson
Davis of Haskell	of Tarrant
Davison of Fisher	Jones of Angelina
Davisson	Jones of Falls
of Eastland	Jones of Wise
Deglandon	Keefe
Derden	Keith
Dickison	Kelt
Dollins	Kenyon
England	Kern
Felty	King
Fielden	Knetsch
Fox	Langdon
Fuchs	Lankford

Lanning	Reed of Dallas
Leath	Rhodes
Leonard	Roark
Leyendecker	Ross
Loggins	Russell
London	Rutta
Lucas	Schuenemann
Mann	Settle
Mays	Sewell
McConnell	Sharpe
McCracken	Shell
McFarland	Simpson
McKee	Skaggs
McKinney	Smith of Hopkins
Metcalfe	Smith
Moffett	of Matagorda
Monkhouse	Smith of Tarrant
Morris	Stocks
Morse	Talbert
Newton	Tarwater
Nicholson	Tennant
Oliver	Tennyson
Palmer	Thornton
Patterson of Mills	Vale
Patterson	Waggoner
of Travis	Walker
Powell	Weldon
Prescott	Westbrook
Quinn	Winfree
Ragsdale	Wood
Reed of Bowie	Worley

Absent

Bates	Mauritz
Cauthorn	McDonald
Davis of Jasper	Petsch
Graves	Reader
Hyder	Riddle
Jones of Atascosa	Stevenson
Little	Stinson

Absent—Excused

Callan	Pope
Dean	Thornberry
Farmer	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Harris of Dallas (by request), Mr. Reed of Dallas, Mr. Blankenship and Mr. Johnson of Ellis:

H. B. No. 1139, A bill to be entitled "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee

District Number Two, etc., and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

PROVIDING FOR CONSIDERATION OF HOUSE BILL NO. 58

Mr. Davis of Haskell offered the following resolution:

Be It Resolved, That when the House convenes on Thursday night to consider House Bill No. 581, that it also consider House Bill No. 58, the Fair Trade Act, inasmuch as this is a most important bill.

DAVIS of Haskell,
KEITH,
READER,
MORRIS,
THORNBERRY,
JONES of Falls,
JAMES,
DICKISON,
CATHEY,
SMITH of Matagorda.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—103

Adkins	Harbin
Alsup	Harris of Dallas
Amos	Harris of Dickens
Baker	Heflin
Bates	Herzik
Beckworth	Hoskins
Bell	Howard
Boethel	Hyder
Bond	Jackson
Boyer	James
Bradbury	Johnson of Ellis
Bradford	Johnson
Bridgers	of Tarrant
Brown	Jones of Angelina
Carssow	Jones of Falls
Cauthorn	Jones of Wise
Cleveland	Keith
Colquitt	Kelt
Davis of Haskell	Kern
Davis of Jasper	King
Davison of Fisher	Knetsch
Davisson	Langdon
of Eastland	Lankford
Deglandon	Leath
Dickison	Leyendecker
England	Loggins
Felty	London
Fielden	Lucas
Fox	Mann
Gibson	Mauritz
Hamilton	Mays
Hanna	McConnell

McCracken	Roark
McDonald	Ross
McFarland	Russell
McKee	Settle
McKinney	Sharpe
Metcalfe	Simpson
Moffett	Smith of Hopkins
Monkhouse	Smith
Morris	of Matagorda
Morse	Stocks
Newton	Talbert
Nicholson	Tarwater
Oliver	Tennyson
Palmer	Thornton
Petsch	Vale
Prescott	Waggoner
Quinn	Walker
Ragsdale	Westbrook
Reader	Winfree
Reed of Bowie	Wood
Rhodes	Worley

Nays—8

Blankenship	Hankamer
Broadfoot	Hardin
Burton	Jones of Atascosa
Derden	Stinson

Absent

Alexander	Leonard
Cagle	Little
Cathey	Patterson of Mills
Celaya	Patterson
Dollins	of Travis
Fuchs	Powell
Graves	Reed of Dallas
Harper	Riddle
Harrell	Rutta
Harris of Archer	Schuenemann
Hartzog	Sewell
Holland	Shell
Huddleston	Skaggs
Hull	Smith of Tarrant
Keefe	Stevenson
Kenyon	Tennant
Lanning	Weldon

Absent—Excused

Callan	Pope
Dean	Thornberry
Farmer	

MEMORIALIZING CONGRESS IN REGARD TO PASSAGE OF CERTAIN LEGISLATION

Mr. Bradbury offered the following resolution:

Whereas, A deplorable situation exists in our country especially in the south relative to the tenant farmer; and

Whereas, The number of farms operated by tenants has increased from

25% in 1880 to 42% in 1935 reveals a strong trend away from home ownership which shows that farm tenancy is on an increase; and

Whereas, The tenant farmer and share cropper are burdened by debt and are laboring under very unfavorable circumstances; and

Whereas, There are several bills pending in the National Congress that would be of great assistance to the tenant farmer and share cropper and would give him an opportunity to own his own home and become an independent citizen; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That we hereby go on record as asking the National Congress to pass at this session a progressive far reaching program to assist the tenant farmer and share cropper in order that his condition may be bettered and the circumstances around which he rears his family will be improved and that he be given an opportunity to own his own home; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to send a copy of this resolution to the presiding officers of both Houses in the National Congress.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 470, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than thirteen thousand seven hundred (13,700), and not more than thirteen thousand eight hundred (13,800) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. C. R. No. 104, Inviting His Excellency, The Honorable Franklin Delano Roosevelt, President of the United States, to speak before a Joint Ses-

sion of the Legislature on a date and time suitable to his convenience.

Respectfully,

EOB BARKER,
Secretary of the Senate.

**PROVIDING FOR CONSIDERATION
OF HOUSE BILL NO. 547**

Mr. Moffett offered the following resolution:

Whereas, House Bill No. 547 is of vast and far reaching importance, and if not passed at this Session, benefits to be derived therefrom may be forever lost to Texas; therefore, be it

Resolved by the House of Representatives, That said bill be considered on next Thursday evening at the Session of the House on that evening.

MOFFETT,
HAMILTON,
CLEVELAND,
KEEFE,
ALEXANDER,
THORNTON,
MORSE.

The resolution was read second time.

Mr. Reed of Dallas offered the following amendment to the resolution:

"Amend resolution to include House Bill No. 144."

The amendment was adopted.

Question recurring on the resolution offered by Mr. Moffett, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—123

Adkins	Davisson
Alexander	of Eastland
Alsup	Deglandon
Amos	Derden
Baker	Dickison
Beckworth	Dollins
Bell	England
Blankenship	Felty
Boethel	Fielden
Bond	Fox
Boyer	Fuchs
Bradbury	Gibson
Bradford	Hamilton
Bridgers	Hankamer
Broadfoot	Hanna
Brown	Harbin
Burton	Hardin
Carssow	Harper
Cathey	Harrell
Cleveland	Harris of Archer
Colquitt	Harris of Dallas
Davis of Haskell	Harris of Dickens
Davison of Fisher	Heflin

Herzik	Nicholson
Holland	Oliver
Howard	Palmer
Huddleston	Patterson of Mills
Hull	Patterson
Jackson	of Travis
James	Petsch
Johnson of Ellis	Powell
Johnson	Prescott
of Tarrant	Quinn
Jones of Angelina	Ragsdale
Jones of Falls	Reed of Bowie
Jones of Wise	Reed of Dallas
Keith	Rhodes
Kelt	Roark
Kenyon	Ross
Kern	Russell
King	Rutta
Knetsch	Schuenemann
Langdon	Sewell
Lankford	Sharpe
Lanning	Shell
Leath	Simpson
Leonard	Skaggs
Leyendecker	Smith
Loggins	of Matagorda
London	Smith of Tarrant
Lucas	Stocks
Mann	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Tennyson
McCracken	Thornton
McFarland	Vale
McKee	Waggoner
Metcalfe	Walker
Moffett	Weldon
Monkhouse	Winfree
Morris	Wood
Morse	Worley
Newton	

Absent

Bates	Little
Cagle	McDonald
Cauthorn	McKinney
Celaya	Reader
Davis of Jasper	Riddle
Graves	Settle
Hartzog	Smith of Hopkins
Hoskins	Stevenson
Hyder	Stinson
Jones of Atascosa	Westbrook
Keefe	

Absent—Excused

Callan	Pope
Dean	Thornberry
Farmer	

**TO PROVIDE FOR CONSIDERATION
OF CERTAIN BILLS**

Mr. Worley offered the following resolution:

Whereas, Many bills have been introduced designed to make suitable ap-

propriation for school buildings which have been destroyed by disastrous fires and with insufficient insurance to cover such buildings; and

Whereas, The regular calendar is congested; now, therefore, be it

Resolved, That all bills of this nature be considered Thursday night, April 29, 1937.

The resolution was read second time.

Mr. Davison of Fisher raised a point of order, on consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Worley moved to suspend the Rule, relative to the time allotted for the consideration of resolutions, for the purpose of considering the above resolution.

The motion was lost.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 59, Granting J. A. Thedford permission to sue the State.

Whereas, On or about the 5th day of March A. D., 1932, J. A. Thedford was engaged at Tyler, in Smith County, Texas, in a business which, among other things, was the growing and selling for commercial purposes of sweet potato plants; and

Whereas, On or about said date above mentioned, the said J. A. Thedford had bedded out for the purpose of producing sweet potato slips therefrom approximately 600 bushels of No. 1 potatoes, which said potatoes were bedded out on his farm located about three miles south of Tyler, in Smith County, Texas; and

Whereas, Thereafter, said potatoes were, under the direction of Z. B. Sanders, the agent and representative of the Department of Agriculture of the State of Texas, plowed up and totally destroyed, without any grounds or justification therefor, and said potatoes were, by said Agriculture Department of the State of Texas, acting by its duly constituted agent as aforesaid, totally destroyed; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said J. A. Thed-

ford be, and he is hereby granted permission to bring suit in any court of competent jurisdiction in Smith County, Texas, against the State of Texas and/or the Agriculture Department of the State of Texas, for his loss and damage incident to the destruction of said potatoes; be it further

Resolved, That service of citation may be had upon the Attorney General of the State of Texas, with the same force and effect as in civil cases; and that said suit shall be tried and determined in the trial and appellate courts according to the same rules and procedure as to liability and defense of the State of Texas that would be applicable and available if such suit were brought against any private corporation as provided by the laws of this State; and, be it further

Resolved, That the Attorney General be and he is hereby authorized to compromise or otherwise settle any suit filed as a result of this resolution, if in the opinion of the Attorney General the said J. A. Thedford are entitled to recover because of damages as hereinabove mentioned, and that the Comptroller of the State of Texas be and he is hereby instructed to comply therewith.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

HOUSE JOINT RESOLUTION NO. 40 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 40, Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding thereto a new section to be known as Section 30b; providing that the Legislature may authorize by law the creation of a system of civil service for the appointive officers of the respective county and Home Rule City governments of the several counties and Home Rule cities in the State and providing for submission of same to the qualified voters of the State; providing for the necessary proclamation and appropriating funds to defray the expenses of the proclamation, publication and election.

The resolution was read second time.

Mr. Heflin offered the following amendment to the resolution:

Amend House Joint Resolution No. 40, by adding at the end of Section 1, the following:

"Where cities have heretofore, or may hereafter provide for Civil Service in their charters, the city employees placed under such Civil Service, or which may hereafter be placed under such Civil Service shall, while said office is in existence, serve during good behavior, may not be removed except for incompetency or misconduct in office, and the two year duration of offices provided in Article XVI, Section 30, of the Constitution shall not apply to such employees."

HEFLIN,
HANKAMER.

Mr. Stinson moved to postpone further consideration of House Joint Resolution No. 40 until next June 1.

Mr. Jones of Atascosa moved that House Joint Resolution No. 40 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—91

Adkins	Harbin
Alexander	Hardin
Alsup	Harper
Amos	Harrell
Bates	Harris of Archer
Beckworth	Harris of Dallas
Blankenship	Harris of Dickens
Boethel	Hartzog
Bond	Herzik
Bradbury	Hoskins
Broadfoot	Howard
Brown	Huddleston
Burton	Hull
Carsow	James
Cathey	Johnson of Ellis
Cleveland	Johnson
Colquitt	of Tarrant
Davis of Haskell	Jones of Angelina
Davis of Jasper	Jones of Atascosa
Davison of Fisher	Jones of Falls
Davisson	Kern
of Eastland	Knetsch
Deglandon	Langdon
Derden	Lankford
Dickson	Lanning
Felty	Leath
Fielden	Leyendecker
Fuchs	Loggins
Graves	Lucas
Hamilton	Mauritz
Hanna	Mays

McConnell
McCracken
McKinney
Moffett
Monkhouse
Newton
Oliver
Palmer
Patterson
of Travis
Powell
Quinn
Reed of Bowie
Reed of Dallas
Rhodes
Ross
Russell

Schuenemann
Sewell
Shell
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stinson
Stocks
Talbert
Tennyson
Walker
Westbrook
Wood

Nays—36

Baker
Bell
Boyer
Bradford
Bridgers
Cagle
Celaya
Fox
Gibson
Hankamer
Heflin
Holland
Hyder
Jackson
Jones of Wise
Keefe
Kelt
Kenyon

King
Leonard
London
Mann
McDonald
McFarland
Morris
Morse
Nicholson
Prescott
Roark
Stevenson
Tennant
Thornton
Vale
Waggoner
Weldon
Worley

Absent

Cauthorn	Ragsdale
Dollins	Reader
England	Riddle
Keith	Rutta
Little	Settle
McKee	Sharpe
Metcalf	Tarwater
Patterson of Mills	Winfree
Petsch	

Absent—Excused

Callan	Pope
Dean	Thornberry
Farmer	

SPECIAL ORDER SET

On motion of Mr. Colquitt, House Bill No. 456 was set as a special order for 11:00 o'clock a. m., tomorrow.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice.

thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 600, "An Act to amend Chapter 350, Acts of Forty-fourth Legislature, being the Rural Aid appropriation, by providing additional appropriation for carrying out provisions of said Act, repealing all conflicting laws, etc., and declaring an emergency."

H. B. No. 584, "An Act authorizing the Commissioners Court in any county having a population of less than 35,000 inhabitants according to the last preceding Federal Census and having an assessed property valuation exceeding \$70,000,000.00 according to the approved tax rolls for the preceding year to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses providing for the source of payment of such expenses and providing for filing of itemized accounts, and declaring an emergency."

H. C. R. No. 104, Inviting Honorable Franklin Delano Roosevelt to address the Legislature.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate refused to grant the request of the House for a Conference Committee on House Bill No. 1131.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 470, to the Committee on Revenue and Taxation.

NOTICES GIVEN

Mr. Worley gave notice that he would, on the next legislative day, move to take up for consideration, at that time, House Bill No. 373, which bill was heretofore laid on the table subject to call.

Notices were given by authors of all bills, which bills were heretofore

laid on the table subject to call, that motions would be made to take same up, for consideration, on the next legislative day.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 15

The Speaker laid before the House, as pending business,

H. J. R. No. 15, Proposing to repeal Article III of the Constitution of the State of Texas, the same being the Article creating the Legislative Department of the State and to adopt and enact a new Article III in lieu thereof; reorganizing the Legislative Department of the State of Texas.

The resolution having heretofore been read second time.

Mr. Fox offered the following committee amendment to the resolution:

Amend H. J. R. No. 15, by striking out all below the resolving clause and insert in lieu thereof the following:

That Section 1 of Article III of the Constitution of the State of Texas be amended to read, as follows:

"Section 1. Commencing with the regular session of the Legislature to be held in January 1941 the Legislative power of this State shall be vested in a Legislature consisting of one Chamber which shall be styled 'the Legislature of the State of Texas.' All authority now vested by the Constitution or laws of the State in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and is hereby vested in said Legislature of one Chamber. All provisions in the Constitution and laws of the State relating to the Legislature, the Senate, the House of Representatives, joint session of the Senate and House of Representatives, Senator or Members of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one Chamber herein created and the members thereof. All references to the Clerk of the House of Representatives or Secretary of the Senate shall mean, when applicable, the Clerk of the Legislature of one Chamber. All references to the Speaker of the House of Representatives or president of the Senate shall be deemed to mean the Lieutenant-Governor, who shall be the presiding officer of the Legislature of one Chamber. Whenever any provision of the Constitution requires submission of any matter to, or action by,

the House of Representatives, the Senate or joint sessions thereof, or the members of either body or both bodies, it shall be construed to mean the Legislature herein provided for."

That Section 2 of Article III of the Constitution of the State of Texas be amended to read as follows:

"The Legislature shall consist of 100 members, who shall be chosen by the qualified electors, and their term of office shall be four years, beginning at noon on the first Tuesday after the first Monday in January of the year next ensuing after the general election at which they were elected, except that upon the election of the members following the ratification of this amendment, the members so elected shall be divided into two classes. The seats of the members of the first class shall be vacated at the expiration of the first two years, and those of the second class, at the expiration of four years, so that one-half of the members shall be chosen biennially thereafter, and said classes shall be determined by lot."

Section 5 of Article III of the Constitution of the State of Texas be amended to read as follows:

"The Legislature shall meet every two years, at such time as may be provided by law, and said term shall be continuous for the two-year period, provided that the Legislature may adjourn from time to time, when in their discretion, it may be deemed by them to be to the best interest of the State. Provided, further, that the Governor shall convene the Legislature when at any time a two-thirds majority of the membership of said body shall file their sworn request with the Secretary of State, the date upon which they desire to meet and at any other time when convened by the Governor."

That Section 9 of Article III of the Constitution of the State of Texas be amended so as to read, as follows:

"The Lieutenant-Governor shall be the presiding officer of the Legislature, but shall vote only when the Legislature is equally divided. There shall, also be elected by the Legislature a President Pro Tempore who shall perform the duties of the Lieutenant-Governor in any case of absence or disability of that officer and whenever the said office of the said Lieutenant-Governor shall be vacant; and the Legislature shall choose its other officers."

That Section 24 of Article III of the Constitution of the State of Texas be amended so as to hereafter read, as follows:

"The members of the Legislature shall receive from the public treasury an annual salary of Three Thousand Six Hundred (\$3,600.00) Dollars, payable in such manner and at such times as shall be provided by law. In addition to the salary herein provided, each member shall be entitled to mileage in going to and returning from the seat of government. Such mileage shall not exceed five (5c) cents per mile, the distance to be computed by the nearest and most direct route of travel from a table of distance prepared by the Comptroller."

That Section 32 of Article III of the Constitution of the State of Texas be amended so as to read as follows:

"No bill shall have the force of a law, until it has been read on three several days and free discussion allowed thereon; and no vote upon the final passage of any bill shall be taken until five legislative days after said bill has been passed to second reading; but in cases of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the membership may suspend the rule, yeas and nays being taken on the question of suspension and entered upon the Journal, and the Legislature shall pass such other rules as may be necessary to insure careful consideration of all measures."

That Section 40 of Article III of the Constitution of the State of Texas be amended to read as follows:

"The Legislature shall have the right to act upon any subject of legislation at any time it may be in session, provided that any bill not finally passed by the Legislature and signed by the Governor shall die upon the expiration of the two year term during which such bill was considered. Provided, further, that it shall be unnecessary to refer to a committee for consideration any bill that has, during the two year term at which it is pending, been theretofore referred to and favorably considered by the appropriate committee. Provided, further, that after a bill or resolution has been considered and defeated by the Legislature, no bill or resolution containing the same substance shall be enacted into law or considered by the Legislature during said term."

That Article III of the Constitution of the State of Texas be amended by adding a new section thereof to be known as "Section _____" to read as follows:

"The Legislature shall elect, by a majority vote of its elected members a director of Audits and Accounts, who shall serve during the pleasure of the Legislature. He shall perform such functions as the law may prescribe pertaining to the audit, adjustment and allowance of accounts against the State; enforce compliance with laws relating to the disbursement of appropriations; conduct a continuous audit of all accounts kept by or for the various departments, offices and institutions of the State Government; report thereon to the Legislature at the end of each fiscal year, and make such additional reports and conduct such investigations of the financial affairs of the Government as the Legislature may require. The Legislature may elect assistants to said auditor and pass any and all other necessary laws to carry out the intent of this section."

"That Sections 3, 4, 5, 6, 17, 25, 31, 33 and 40 of Article III of the Constitution of the State of Texas be and the same are hereby repealed, effective as of January 1, 1941."

"The foregoing Constitutional amendment shall be submitted to the electorate of this State to be voted upon at an election to be held throughout this State on the first Tuesday after the first Monday of November, A. D., nineteen hundred and thirty-eight, at which election each ballot shall have printed thereon the words:

"For the amendment repealing certain Sections of Article 3 of the Constitution of the State of Texas, and amending other sections of said Article; reorganizing the Legislative department of the State of Texas so as to provide for a Legislature of one Chamber."

"Against the amendment repealing certain Sections of Article 3 of the Constitution of the State of Texas, reorganizing the Legislative department of the State so as to provide for a Legislature of one Chamber."

The Governor of this State is hereby directed to issue the necessary proclamation, ordering the election to determine whether or not the proposed Constitutional amendment, set forth herein, shall be adopted, and to have the same published as required by the

Constitution and laws of this State. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expense of printing such a proclamation and holding such an election.

Mr. Harris of Dallas moved that House Joint Resolution No. 15 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—86

Alexander	Jones of Falls
Alsup	Keith
Bates	Langdon
Beckworth	Leath
Blankenship	Leonard
Bond	Leyendecker
Boyer	Little
Bradford	Loggins
Bridgers	London
Broadfoot	Mays
Brown	McConnell
Burton	McCracken
Carssow	McDonald
Celaya	McKee
Colquitt	McKinney
Davis of Jasper	Morse
Deglandon	Newton
Derden	Nicholson
Dickison	Oliver
Dollins	Palmer
Fuchs	Patterson
Gibson	of Travis
Graves	Ragsdale
Hamilton	Reader
Hankamer	Reed of Dallas
Hanna	Rhodes
Hardin	Riddle
Harper	Russell
Harrell	Schuenemann
Harris of Archer	Shell
Harris of Dallas	Skaggs
Hartzog	Smith of Hopkins
Heflin	Smith of Tarrant
Hoskins	Stevenson
Howard	Stinson
Huddleston	Tarwater
Hull	Tennyson
Jackson	Thornton
James	Vale
Johnson of Ellis	Waggoner
Johnson	Walker
of Tarrant	Westbrook
Jones of Angelina	Winfree
Jones of Atascosa	Wood

Nays—55

Adkins	Baker
Amos	Bell

Boethel	Lucas
Bradbury	Mann
Cagle	McFarland
Cathey	Metcalfe
Cauthorn	Moffett
Cleveland	Monkhouse
Davis of Haskell	Morris
Davison of Fisher	Powell
Davisson	Prescott
of Eastland	Quinn
England	Reed of Bowie
Felty	Roark
Fielden	Ross
Fox	Rutta
Harris of Dickens	Settle
Herzik	Sewell
Holland	Sharpe
Hyder	Simpson
Jones of Wise	Smith
Keefe	of Matagorda
Kelt	Stocks
Kenyon	Talbert
Kern	Tennant
King	Thornberry
Knetsch	Weldon
Lankford	Worley
Lanning	

Absent

Mauritz	Petsch
Patterson of Mills	

Absent—Excused

Callan	Harbin
Dean	Pope
Farmer	

REASON FOR VOTE

Explanatory of my vote upon the question of laying House Joint Resolution No. 15 on the table:

"I definitely favor a bi-cameral, and with the same definiteness, I oppose a uni-cameral legislative body. I take both of these positions because of my views of conditions essential to safe State government. Any claim that Nebraska, the only State of the Union that has experimented with a uni-cameral legislative body, has found said body to be an improvement over the bi-cameral body, I consider to be just so much hot air.

"In the interest of economy, and believing the idea inheres of no threat against safety of government, I favor fixing the number of Representatives at 75, rather than at 150, and the number of Senators at 15, rather than at 31, which would fix the total number composing the State Legislative body at 90, rather than at 100, as proposed by House Joint Resolution No. 15.

"I favor placing Members of the Legislature upon the annual salary basis of pay, but do not agree that said salary, as fixed, should have the effect of increasing the present wage of said Members, excepting to such extent as change may have the effect of increasing the amount of time that said Members are required to devote to the Legislative work, or that change may have the effect of increasing the actual expenses of said Members, as would necessarily occur should membership of the Legislative body be decreased, thus increasing dimensions of Legislative Districts as an incident. \$1200 per year, and not \$3600 per year, as proposed by House Joint Resolution No. 15, is a near equivalent of the present per diem pay of the Members.

"H. J. R. No. 15 provides for another State auditing organization. We already have one such organization that is performing in a practical way, and this, I consider to be sufficient from standpoint of the State's auditing needs."

NICHOLSON.

HOUSE JOINT RESOLUTION NO. 48 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. J. R. No. 48, Proposing an amendment to Section 24, of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum, shall be subject to call at any time and shall be entitled to mileage at five cents (5c) a mile for each mile traveled coming and going from the seat of Government; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The resolution was read third time.

Mr. Jones of Atascosa moved the previous question on the passage of House Joint Resolution No. 48, and the main question was ordered.

House Joint Resolution No. 48 then failed to pass by the following vote (not receiving the necessary one hundred votes):

Yeas—91

Adkins
Amos

Baker
Bates

Beckworth	Little
Bell	Mann
Boyer	Mays
Bradford	McCracken
Broadfoot	McFarland
Brown	McKee
Burton	McKinney
Carssow	Monkhouse
Celaya	Morris
Cleveland	Morse
Colquitt	Newton
Davis of Haskell	Oliver
Davison of Fisher	Palmer
Deglandon	Patterson
Derden	of Travis
Dickison	Powell
Dollins	Prescott
England	Quinn
Felty	Ragsdale
Gibson	Reader
Hamilton	Reed of Dallas
Hankamer	Rhodes
Hanna	Riddle
Harrell	Russell
Harris of Archer	Rutta
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Hartzog	Sewell
Heflin	Sharpe
Holland	Shell
Howard	Simpson
Hull	Skaggs
Jackson	Smith of Hopkins
James	Smith
Johnson	of Matagorda
of Tarrant	Stocks
Jones of Angelina	Talbert
Jones of Falls	Tarwater
Keefe	Tennant
Keith	Thornton
Kenyon	Vale
Knetsch	Waggoner
Leath	Westbrook
Leonard	Winfree
Leyendecker	Worley

Nays—43

Alsup	Hoskins
Blankenship	Huddleston
Boethel	Johnson of Ellis
Bond	Jones of Atascosa
Bradbury	Jones of Wise
Bridgers	Kelt
Cathy	Kern
Cauthorn	King
Davis of Jasper	Lankford
Davison	Lanning
of Eastland	London
Fox	Lucas
Fuchs	Mauritz
Graves	McConnell
Harbin	Metcalfe
Hardin	Moffett
Herzik	Nicholson

Reed of Bowie	Tennyson
Roark	Thornberry
Ross	Walker
Smith of Tarrant	Weldon
Stevenson	Wood

Absent

Alexander	Loggins
Cagle	McDonald
Fielden	Patterson of Mills
Harper	Petsch
Hyder	Stinson
Langdon	

Absent—Excused

Callan	Farmer
Dean	Pope

On motion of Mr. Roark, the vote, by which House Joint Resolution No. 48 failed to pass, was reconsidered.

House Joint Resolution No. 48 was then passed by the following vote:

Yeas—101

Adkins	Hartzog
Alexander	Heflin
Amos	Holland
Baker	Hoskins
Bates	Howard
Beckworth	Hull
Bell	Jackson
Blankenship	James
Bond	Johnson
Boyer	of Tarrant
Bradford	Jones of Angelina
Broadfoot	Jones of Falls
Brown	Jones of Wise
Burton	Keefe
Carssow	Keith
Celaya	Kenyon
Cleveland	Knetsch
Colquitt	Leath
Davis of Haskell	Leonard
Davison of Fisher	Leyendecker
Davison	Little
of Eastland	Mann
Deglandon	Mays
Derden	McCracken
Dickison	McDonald
Dollins	McFarland
England	McKee
Felty	McKinney
Fielden	Monkhouse
Gibson	Morris
Hamilton	Morse
Hankamer	Newton
Hanna	Oliver
Harper	Patterson
Harrell	of Travis
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Quinn

Ragsdale	Smith
Reader	of Matagorda
Reed of Dallas	Stinson
Rhodes	Stocks
Riddle	Talbert
Rutta	Tarwater
Schuenemann	Tennant
Settle	Thornberry
Sewell	Thornton
Sharpe	Vale
Shell	Waggoner
Simpson	Westbrook
Skaggs	Winfree
Smith of Hopkins	Wood
	Worley

Nays—38

Alsup	Lankford
Boethel	Lanning
Bradbury	London
Bridgers	Lucas
Cathey	Mauritz
Cauthorn	McConnell
Davis of Jasper	Metcalfe
Fox	Moffett
Fuchs	Nicholson
Harbin	Palmer
Hardin	Reed of Bowie
Herzik	Roark
Huddleston	Ross
Johnson of Ellis	Russell
Jones of Atascosa	Smith of Tarrant
Kelt	Stevenson
Kern	Tennyson
King	Walker
Langdon	Weldon

Absent

Cagle	Loggins
Graves	Patterson of Mills
Hyder	Petsch

Absent—Excused

Callan	Farmer
Dean	Pope

REASON FOR VOTE

Explanatory of my vote upon final passage of House Joint Resolution No. 48:

"I am definitely opposed to placing the Members of the Legislature upon a yearly salary of Three Thousand (\$3,000.00) Dollars which would amount to a total of Six Thousand (\$6,000.00) Dollars for a two year term.

"On April 22nd, on the fifty-sixth day of the meeting of the House of Representatives I voted 'Nay' on House Joint Resolution No. 48 on second reading and passage to third read-

ing; however, I voted 'Aye' on final passage in order that the bill may have the necessary one hundred votes to enable it to be sent to the Senate for a vote, and to give the people of the State an opportunity to express themselves thereon."

BLANKENSHIP.

RECESS

Mr. Johnson of Ellis moved that the House recess until 2:30 o'clock p. m., today.

Mr. Quinn moved that the House recess until 2:00 o'clock p. m., today.

Mr. Carssow moved that the House recess until 7:30 o'clock p. m., today.

Question first recurring on the motion to recess until 2:00 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—58

Adkins	Kern
Alsup	Knetsch
Amos	Lankford
Baker	Leonard
Beckworth	London
Boethel	Lucas
Boyer	McKee
Bradbury	Metcalfe
Bradford	Moffett
Bridgers	Monkhouse
Burton	Morris
Cauthorn	Nicholson
Davison of Fisher	Palmer
Derden	Quinn
England	Ragsdale
Fox	Reed of Bowie
Fuchs	Roark
Gibson	Ross
Hamilton	Sharpe
Hanna	Shell
Harbin	Simpson
Harrell	Smith of Hopkins
Harris of Archer	Smith
Heflin	of Matagorda
Hoskins	Stinson
Hull	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Weldon
Jones of Wise	Wood
Keefe	

Nays—59

Alexander	Brown
Bell	Cagle
Blankenship	Carssow
Bond	Cathey

Celaya	Mauritz
Colquitt	Mays
Davis of Haskell	McConnell
Davis of Jasper	McDonald
Davisson	Morse
of Eastland	Newton
Deglandon	Oliver
Dickison	Powell
Felty	Prescott
Fielden	Reader
Hankamer	Reed of Dallas
Hardin	Riddle
Harris of Dallas	Russell
Holland	Schuenemann
Jackson	Settle
James	Skaggs
Johnson of Ellis	Smith of Tarrant
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tarwater
Keith	Tennant
Langdon	Thornton
Lanning	Vale
Leath	Walker
Little	Westbrook
Loggins	Worley
Mann	

Absent

Bates	Leyendecker
Broadfoot	McCracken
Cleveland	McFarland
Dollins	McKinney
Graves	Patterson of Mills
Harper	Patterson
Harris of Dickens	of Travis
Hartzog	Petsch
Herzik	Rhodes
Howard	Rutta
Huddleston	Sewell
Hyder	Stevenson
Kelt	Waggoner
Kenyon	Winfree
King	

Absent—Excused

Callan	Farmer
Dean	Pope

Question then recurring on the motion to recess until 2:30 o'clock p. m., today, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—81

Adkins	Bradford
Alexander	Bridgers
Alsup	Brown
Baker	Burton
Bell	Cagle
Bond	Cathey
Boyer	Cauthorn

Colquitt	Mauritz
Deglandon	McConnell
Derden	McKee
England	Metcalfe
Fielden	Morris
Fox	Morse
Fuchs	Nicholson
Gibson	Oliver
Graves	Patterson
Hamilton	of Travis
Hankamer	Powell
Hanna	Quinn
Harbin	Ragsdale
Harrell	Reed of Bowie
Harris of Archer	Riddle
Harris of Dallas	Roark
Holland	Ross
Hoskins	Russell
Hull	Schuenemann
Jackson	Sharpe
Johnson of Ellis	Shell
Jones of Falls	Simpson
Jones of Wise	Smith of Hopkins
Keith	Smith
Kern	of Matagorda
King	Stinson
Knetsch	Talbert
Langdon	Tarwater
Lankford	Tennant
Lanning	Thornberry
Leath	Thornton
Loggins	Walker
London	Westbrook
Lucas	Winfree
Mann	

Nays—30

Beckworth	Kelt
Blankenship	Mays
Boethel	McDonald
Bradbury	Moffett
Broadfoot	Newton
Carssow	Prescott
Cleveland	Reed of Dallas
Davis of Haskell	Settle
Davis of Jasper	Skaggs
Davison of Fisher	Stocks
Dickison	Tennyson
Hardin	Vale
James	Weldon
Johnson	Wood
of Tarrant	Worley
Jones of Angelina	

Absent

Amos	Harris of Dickens
Bates	Hartzog
Celaya	Heflin
Davisson	Herzik
of Eastland	Howard
Dollins	Huddleston
Felty	Hyder
Harper	Jones of Atascosa

Keefe	Patterson of Mills
Kenyon	Petsch
Leonard	Reader
Leyendecker	Rhodes
Little	Rutta
McCracken	Sewell
McFarland	Smith of Tarrant
McKinney	Stevenson
Monkhouse	Waggoner
Palmer	

Absent—Excused

Callan	Farmer
Dean	Pope

The House, accordingly, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Dollins was granted leave of absence for the remainder of the day and tomorrow, on account of important business, on motion of Mr. Jones of Falls.

Mr. Patterson of Mills was granted leave of absence for the remainder of the day, on account of important business, on motion of Mr. Brown.

Mr. Ragsdale was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Bates.

Mr. Carssow was granted leave of absence for this afternoon, on account of important business, on motion of Mr. McConnell.

HOUSE BILLS ON FIRST READING

Mr. Quinn moved to introduce, at this time, and have placed on first reading, House Bill No. 1141.

The motion prevailed by the following vote:

Yeas—107

Adkins	Boethel
Alexander	Boyer
Alsup	Bradbury
Baker	Bradford
Beckworth	Bridgers
Blankenship	Brown

Burton	Lucas
Cagle	Mann
Cathey	Mays
Cauthorn	McConnell
Celaya	McDonald
Cleveland	McFarland
Davis of Jasper	McKee
Davison of Fisher	McKinney
Deglandon	Metcalfe
Derden	Monkhouse
Dickison	Morris
Felty	Morse
Fielden	Newton
Fox	Nicholson
Fuchs	Oliver
Gibson	Patterson
Hamilton	of Travis
Harbin	Powell
Hardin	Quinn
Harrell	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Riddle
Hartzog	Roark
Heflin	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Sewell
Huddleston	Sharpe
Hull	Shell
Hyder	Simpson
Jackson	Skaggs
Johnson of Ellis	Smith of Hopkins
Jones of Angelina	Smith
Jones of Falls	of Matagorda
Jones of Wise	Stinson
Keefe	Stocks
Keith	Talbert
Kelt	Tarwater
Kern	Tennant
King	Tennyson
Langdon	Thornberry
Lankford	Thornton
Lanning	Waggoner
Leath	Westbrook
Leonard	Winfree
Leyendecker	Wood
Loggins	Worley
London	

Absent

Amos	Hanna
Bates	Harper
Bell	Howard
Bond	James
Broadfoot	Johnson
Colquitt	of Tarrant
Davis of Haskell	Jones of Atascosa
Davison	Kenyon
of Eastland	Knetsch
England	Little
Farmer	Mauritz
Graves	McCracken
Hankamer	Moffett

Palmer
Petsch
Prescott
Reader
Ross
Settle

Smith of Tarrant
Stevenson
Vale
Walker
Weldon

Absent—Excused

Callan
Carssow
Dean
Dollins

Patterson of Mills
Pope
Ragsdale

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Quinn:

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Loggins:

H. B. No. 1142, A bill to be entitled "An Act providing for the disposition of fees of office and setting the maximum for county officers in certain counties; providing that if any part of this Act is held unconstitutional, it shall not effect the remaining part of the Act; repealing all laws in conflict herewith and fixing the effective date of the bill, and declaring an emergency."

Referred to the Committee on Counties.

BILLS ORDERED NOT PRINTED

On motion of Mr. Quinn, House Bill No. 1141 was ordered not printed.

On motion of Mr. Heflin, House Bill No. 1129 was ordered not printed.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 750.

The following have been appointed, on the part of the Senate:

Senators Weinert, Neal, Holbrook, Redditt and Shivers.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 18 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 18, Amending Section 51b, of Article III, of the Constitution of Texas, providing for old-age assistance to certain citizens over sixty-five years of age, not exceeding Fifteen (\$15.00) Dollars per month. Providing for the length of time of actual residence in Texas, and further providing for the acceptance of funds for such purpose from the Federal Government; providing for the form of ballot and the time of holding the election. Directing the Governor to make proclamation of the election and for the advertising of same according to law, and making an appropriation to pay the expenses of holding such an election.

The resolution was read second time.

Mr. Hull offered the following amendment to the resolution:

Amend House Joint Resolution No. 18, by striking out all below the resolving clause and substitute therefor the following:

"Section 1. That Section 51b of Article III of the Constitution of Texas shall be so amended as to hereafter read as follows:

"Section 51b. The Legislature shall have the power by general laws to provide for old age assistance and shall make equal payment of same in the sum of Fifteen (\$15.00) Dollars per month each to actual bona fide citizens of Texas who are over the

age of sixty-five (65) years; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of a State supported institution unless said inmate is willing to permanently remove his person from said institution, shall be eligible for such old age assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for old age assistance and continuously for one (1) year immediately preceding such application."

The Legislature shall have the authority to accept from the Government of the United States such financial aid for old-age assistance as that Government may offer.

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the fourth Saturday in August, 1937, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words,

"For the amendment to the Constitution of Texas providing that the Legislature shall pay to every citizen of certain qualifications, sixty-five years of age, Fifteen (\$15.00) Dollars per month for old-age assistance, and for the acceptance of funds from the Federal Government for such purpose."

The voters opposing said proposed amendment shall write or have printed on their ballots the words,

"Against the amendment of the Constitution of Texas providing that the Legislature shall pay to every citizen of certain qualifications, sixty-five years of age, Fifteen (\$15.00) Dollars per month of old-age assistance, and for the acceptance of funds from the Federal Government for such purposes."

Section 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election, and have same published as required by the Constitution and laws of the State.

Section 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds of the Treasury of the State of Texas not otherwise appropriated to pay the ex-

penses of such publication and election.

HULL,
DERDEN.

(Mr. Knetsch in the Chair.)

Mr. Morris moved that further consideration of House Joint Resolution No. 18 be postponed until next Tuesday, May 4.

Mr. Hardin moved to table the motion to postpone the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Adkins	Jones of Angelina
Alsup	Jones of Wise
Amos	Kern
Beckworth	King
Bell	Langdon
Boethel	Lankford
Boyer	Leonard
Bradbury	Leyendecker
Broadfoot	Loggins
Brown	London
Carssow	Lucas
Cathey	Mays
Davis of Jasper	McConnell
Davisson	McCracken
of Eastland	McKee
Deglandon	Moffett
Derden	Monkhouse
Dickison	Newton
England	Oliver
Felty	Palmer
Fielden	Petsch
Hamilton	Prescott
Hanna	Reader
Harbin	Reed of Bowie
Hardin	Reed of Dallas
Harper	Rhodes
Harrell	Roark
Harris of Dallas	Russell
Harris of Dickens	Settle
Heflin	Sewell
Herzik	Simpson
Hoskins	Skaggs
Howard	Smith of Tarrant
Huddleston	Talbert
Hull	Weldon
Hyder	Westbrook
James	Winfree
Johnson of Ellis	Wood
Johnson	Worley
of Tarrant	

Nays—46

Baker	Bridgers
Bates	Burton
Blankenship	Cagle
Bond	Colquitt

Davison of Fisher	Morris
Fox	Morse
Fuchs	Nicholson
Hankamer	Patterson
Harris of Archer	of Travis
Hartzog	Powell
Jackson	Ross
Jones of Atascosa	Rutta
Jones of Falls	Schuenemann
Keefe	Shell
Keith	Smith
Kelt	of Matagorda
Kenyon	Stinson
Lanning	Stocks
Leath	Tarwater
Little	Tennyson
McDonald	Thornberry
McFarland	Thornton
McKinney	Waggoner
Metcalfe	Walker

Present—Not Voting

Knetsch

Absent

Alexander	Mann
Bradford	Mauritz
Cauthorn	Quinn
Celaya	Riddle
Cleveland	Sharpe
Davis of Haskell	Smith of Hopkins
Farmer	Stevenson
Gibson	Tennant
Graves	Vale
Holland	

Absent—Excused

Callan	Patterson of Mills
Dean	Pope
Dollins	Ragsdale

Mr. Derden offered the following amendment to the amendment by Mr. Hull:

Amend Hull amendment to House Joint Resolution No. 18, by striking out the period at the end of paragraph two in Section 1, and insert in lieu thereof a comma, and add the following, "provided the applicant does not have a net income of more than \$360.00 a year if single, and not more than \$720.00 a year if married".

DERDEN,

REED of Bowie.

Mr. Fox moved to table the amendment by Mr. Derden.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—38

Alexander	Bell
Baker	Broadfoot

Burton	McFarland
Davison of Fisher	McKee
Fox	McKinney
Fuchs	Metcalfe
Hankamer	Morris
Harbin	Morse
Harris of Archer	Nicholson
Hartzog	Patterson
Hoskins	of Travis
Jackson	Petsch
Johnson	Roark
of Tarrant	Schuenemann
Jones of Falls	Stinson
Jones of Wise	Stocks
Keefe	Thornberry
Keith	Thornton
Lucas	Waggoner
Mays	Weldon

Nays—78

Adkins	Lankford
Alsup	Lanning
Amos	Leyendecker
Bates	Loggins
Beckworth	Mann
Boethel	McConnell
Bond	McCracken
Boyer	McDonald
Bradbury	Moffett
Bradford	Monkhouse
Bridgers	Newton
Brown	Oliver
Cathey	Prescott
Cauthorn	Quinn
Cleveland	Reader
Davis of Jasper	Reed of Bowie
Deglandon	Reed of Dallas
Derden	Rhodes
Dickison	Riddle
England	Ross
Felty	Russell
Fielden	Rutta
Hamilton	Settle
Harper	Sewell
Harrell	Sharpe
Harris of Dallas	Simpson
Harris of Dickens	Skaggs
Heflin	Smith of Hopkins
Herzik	Smith
Holland	of Matagorda
Huddleston	Smith of Tarrant
Hull	Talbert
Hyder	Tarwater
James	Tennyson
Johnson of Ellis	Walker
Jones of Angelina	Westbrook
Jones of Atascosa	Winfree
Kelt	Wood
Kern	Worley
King	

Present—Not Voting

Knetsch

Absent	
Blankenship	Kenyon
Cagle	Langdon
Celaya	Leath
Colquitt	Leonard
Davis of Haskell	Little
Davisson	London
of Eastland	Mauritz
Farmer	Palmer
Gibson	Powell
Graves	Shell
Hanna	Stevenson
Hardin	Tennant
Howard	Vale

Absent—Excused	
Callan	Patterson of Mills
Carssow	Pope
Dean	Ragsdale
Dollins	

Mr. Jones of Atascosa moved the previous question on the amendment by Mr. Derden, and the main question was ordered.

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—85	
Adkins	Heflin
Alexander	Herzik
Alsup	Holland
Amos	Huddleston
Bates	Hull
Beckworth	James
Blankenship	Johnson of Ellis
Boethel	Jones of Angelina
Bond	Jones of Atascosa
Boyer	Kelt
Bradbury	Kern
Bradford	King
Bridgers	Langdon
Brown	Lankford
Cathey	Lanning
Cauthorn	Leonard
Cleveland	Leyendecker
Colquitt	London
Davis of Jasper	McConnell
Davisson	McCracken
of Eastland	McDonald
Deglandon	McKee
Derden	Moffett
Dickison	Monkhouse
England	Newton
Felty	Oliver
Fielden	Petsch
Hamilton	Prescott
Hanna	Quinn
Harper	Reader
Harrell	Reed of Bowie
Harris of Dallas	Reed of Dallas
Harris of Dickens	Rhodes

Roark	Stinson
Ross	Talbert
Russell	Tarwater
Rutta	Tennyson
Schuenemann	Walker
Settle	Westbrook
Sewell	Winfree
Sharpe	Wood
Simpson	Skaggs
Smith	Smith of Hopkins
of Matagorda	

Nays—33	
Baker	Keefe
Bell	Keith
Broadfoot	Loggins
Burton	Lucas
Davison of Fisher	Mann
Fox	Mays
Fuchs	McKinney
Hankamer	Metcalfe
Harbin	Morris
Harris of Archer	Patterson
Hartzog	of Travis
Howard	Stocks
Hyder	Thornberry
Jackson	Thornton
Johnson	Waggoner
of Tarrant	Weldon
Jones of Falls	Worley
Jones of Wise	

Present—Not Voting	
Knetsch	
Absent	
Cagle	McFarland
Celaya	Morse
Davis of Haskell	Nicholson
Farmer	Palmer
Gibson	Powell
Graves	Riddle
Hardin	Shell
Hoskins	Smith of Tarrant
Kenyon	Stevenson
Leath	Tennant
Little	Vale
Mauritz	

Absent—Excused	
Callan	Patterson of Mills
Carssow	Pope
Dean	Ragsdale
Dollins	

REASON FOR VOTE

I voted against the Derden amendment because I think it will be just as unbalanced as the present set-up. If any man is entitled to a pension I think it should be from a basis of citizenship alone. I don't think that a man with an income of \$361.00 per year should be penalized for his thrift and his neighbor who has an income of nothing flat, because he hasn't tried, should be given a bonus of \$360.00

per year because of his failure and lack of thrift. At present we are putting a bonus on indolence and penalizing the thrifty citizen for his thrift. I would not want to take it away from anyone but think a man who tries and makes \$360.00 per year while his neighbor doesn't try, is just as much entitled to \$15.00 as the man who won't try to help himself.

MAYS.

Mr. Broadfoot offered the following amendment to the amendment by Mr. Hull:

Amend amendment to House Joint Resolution No. 18, by striking out "Fifteen" before the word "Dollars", and inserting in lieu thereof the word "Ten".

Mr. Johnson of Ellis moved to table the amendment by Mr. Broadfoot.

Mr. Jones of Atascosa moved the previous question on the amendment by Mr. Broadfoot, and the motion was not seconded.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—99

Adkins	Harris of Dallas
Amos	Heflin
Baker	Herzik
Bates	Hoskins
Beckworth	Howard
Bell	Huddleston
Boethel	Hyder
Bradbury	Jackson
Bradford	James
Bridgers	Johnson of Ellis
Brown	Johnson
Burton	of Tarrant
Cagle	Jones of Angelina
Cathey	Jones of Atascosa
Cauthorn	Jones of Wise
Cleveland	Keefe
Colquitt	Kelt
Davis of Jasper	Kern
Davison of Fisher	King
Deglandon	Langdon
Derden	Lankford
Dickison	Lanning
England	Leyendecker
Felty	Loggins
Fielden	London
Hamilton	Lucas
Hankamer	Mann
Hanna	Mays
Harbin	McConnell
Hardin	McCracken
Harper	McDonald
Harris of Archer	McKinney

Moffett	Settle
Monkhouse	Sewell
Morris	Sharpe
Newton	Shell
Nicholson	Simpson
Oliver	Smith of Hopkins
Patterson	Smith of Tarrant
of Travis	Stinson
Petsch	Stocks
Powell	Tarwater
Prescott	Tennyson
Quinn	Thornberry
Reed of Bowie	Thornton
Reed of Dallas	Walker
Rhodes	Weldon
Roark	Westbrook
Russell	Winfree
Rutta	Worley
Schuenemann	

Nays—10

Blankenship	Ross
Broadfoot	Skaggs
Fox	Smith
Fuchs	of Matagorda
Jones of Falls	Talbert
Mauritz	

Present—Not Voting

Knetsch

Absent

Alexander	Kenyon
Alsup	Leath
Bond	Leonard
Boyer	Little
Celaya	McFarland
Davis of Haskell	McKee
Davisson	Metcalfe
of Eastland	Morse
Farmer	Palmer
Gibson	Reader
Graves	Riddle
Harrell	Stevenson
Harris of Dickens	Tennant
Hartzog	Vale
Holland	Waggoner
Hull	Wood
Keith	

Absent—Excused

Callan	Patterson of Mills
Carssow	Pope
Dean	Ragsdale
Dollins	

Mr. Bond offered the following amendment to the amendment by Mr. Hull:

Amend Hull amendment to House Joint Resolution No. 18, by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That Section 51b of Article III of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"The Legislature shall, by general law provide for Old Age Pension and/or Assistance and for the payment of same not to exceed Fifteen (\$15.00) Dollars per month to actual bona fide residents of Texas who are over the age of sixty-five (65) years; and the Legislature shall have the power to provide for assistance to needy individuals who are blind over twenty-one years of age, to needy individuals who are unfit for employment due to disease, and to needy dependent children, and to provide reasonable facilities for promoting and protecting the health of needy mothers and children, including adequate medical, surgical and corrective services and care for crippled children; provided that no habitual criminal, and no habitual drunkard while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such Old Age Pension and/or Assistance; provided further that the requirements for length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for Old Age Pension and/or Assistance and continuously for one year immediately preceding such application. Provided that no pension and/or Assistance shall ever be paid to any person not a citizen of the United States who has entered this country after the adoption of this amendment.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for Old Age Pension and/or Assistance as that Government may offer not inconsistent with the restrictions hereinbefore provided.

"For the purpose of paying Old Age Pension and/or Assistance and to carry out the purpose of Section 1 of Section 51-b of this Constitution the Legislature shall levy against all persons, companies, firms, partnerships, corporations, and unincorporated companies or associations engaged in the business of retail sales of tangible personal property, or engaged in the business of conducting places of amusement of any kind and character, a sales tax not to exceed two (2%) per centum of the gross sales so made in the retail trade and of the gross receipts of such places of amusement; provided that the tax shall not be levied as to sales of motor

fuel, tobacco and tobacco products, nor as to sales of agricultural, orchard or dairy products by the actual producer, nor as to sales by organizations for the benefit of charitable religious or educational purposes; provided, further, that the tax as to gross receipts of all places of amusement shall not be levied as to the gross receipt from performances the net proceeds of which go to charitable, religious or educational purposes.

"All such sales taxes so levied and collected shall constitute a special fund or funds and shall never be diverted to any other purposes than the payment of Old Age Pension and/or Assistance, and no greater tax shall be levied than will be sufficient to pay Fifteen (\$15.00) Dollars per month to all persons entitled to such Old Age Pension and/or Assistance and necessary costs of administration. All funds distributed to persons over sixty-five (65) years of age who meet the foregoing requirements shall be distributed prorata without regard to the previous standard of living of the applicant and without regard to income or other restrictions than those herein specifically provided. The Legislature shall forthwith enact laws necessary to carry into effect the provisions of this enactment, and shall set up the machinery to administer said law and shall make such appropriations out of the special fund or funds herein created as are necessary for the administration of the same. There shall never be levied in this State a sales tax on the sales herein provided to be taxed other than the one herein provided for, except on spiritous, vinous and malt liquors.

"The term 'retail sale' shall mean the sale or transfer of any goods, wares, merchandise, or tangible personal property for a valuable consideration within this State when such transfer is made by one in the ordinary course of his business and the sale is made for consumption or use, or for any purpose other than for resale, or for use in processing, manufacturing or industrial enterprises. The term 'retail sale' shall not include the isolated or occasional sale or tangible personal property by a person not engaging in the retail business, nor goods or products sold by the actual producer, nor if the thing sold is purchased for resale by the buyer in the ordinary course of

his business, nor if it is to be used or consumed by a manufacturing, industrial or processing business in creating other goods, wares, merchandise or services for sale to the public. Conditional sales are included within this definition when in other respects such sales meet the test of a retail sale. No political subdivision of this State shall have authority to levy an occupation tax by virtue of this amendment."

BOND,
HARDIN.

Mr. Johnson of Ellis raised a point of order, on further consideration of the amendment by Mr. Bond, on the ground that the amendment is not germane to the original resolution.

Question—Shall the point of order be sustained?

CONCERNING THE USE OF STATE PARKS

Mr. Smith of Hopkins offered the following resolution:

H. C. R. No. 106, Concerning the use of State Parks.

Whereas, By Act of the Second Called Session of the Thirty-eighth Legislature, approved 1923, there was created a State Parks Board with full power and authority to acquire land for park purposes and to pass all necessary rules and regulations for the proper maintenance and operation of said parks; and

Whereas, Said State Parks Board has acquired necessary land and has established State Parks in many sections of Texas, said parks being especially suited for out-door sports, such as swimming, golfing, boating and horse back riding; and

Whereas, There has been established a large and constantly growing number of Scout Troops in Texas, both Boy Scouts and Girl Scouts, said Scout Troops having no regularly established camp or place of outdoor recreation—it is deemed advisable by this House of Representatives, the Senate concurring, That said State Parks are an ideal and advantageous place for vacationing and recreational pursuits of the youth of Texas; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That we earnestly and respectfully urge the State Parks Board to permit the use of said State Parks to the Boy Scouts and Girl Scouts of Texas, for camping and vacationing without charge, that

if necessary the general public be excluded from certain park areas when such areas are being used by said Scout troops for camping and vacationing; and we further earnestly and respectfully urge the said State Parks Board to proceed in all proper and practical ways to accomplish this end.

SMITH of Hopkins,
FOX.

The resolution was read second time.

On motion of Mr. Wood, the resolution was referred to the Committee on Public Lands and Buildings.

RECESS

Mr. Thornton moved that the House recess until 7:30 o'clock p. m., today.

Question recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Alexander	Leonard
Baker	Leyendecker
Beckworth	Little
Blankenship	Loggins
Boethel	London
Boyer	Lucas
Bradford	Mauritz
Bridgers	Mays
Broadfoot	McDonald
Burton	McFarland
Cagle	McKinney
Cauthorn	Monkhouse
Colquitt	Morse
Davison of Fisher	Nicholson
Davisson	Patterson
of Eastland	of Travis
Fielden	Powell
Fox	Prescott
Hankamer	Quinn
Hanna	Reed of Dallas
Harper	Rhodes
Harris of Dallas	Riddle
Hartzog	Settle
Heflin	Sharpe
Howard	Shell
Huddleston	Smith of Hopkins
Hyder	Smith
Jackson	of Matagorda
James	Stevenson
Johnson	Stinson
of Tarrant	Stocks
Jones of Angelina	Talbert
Jones of Falls	Tarwater
Jones of Wise	Thornberry
Keefe	Thornton
Keith	Waggoner
Kelt	Weldon
Lanning	Winfree

Nays—50

Adkins	Kern
Alsup	King
Amos	Langdon
Bates	Lankford
Bell	Mann
Bond	McConnell
Bradbury	McCracken
Brown	McKee
Cathey	Metcalfe
Cleveland	Moffett
Davis of Jasper	Newton
Deglandon	Oliver
Derden	Reed of Bowie
Fuchs	Roark
Hamilton	Ross
Harbin	Russell
Hardin	Rutta
Harrell	Sewell
Harris of Dickens	Skaggs
Herzik	Smith of Tarrant
Holland	Tennyson
Hoskins	Walker
Hull	Westbrook
Johnson of Ellis	Wood
Jones of Atascosa	Worley

Present—Not Voting

Knetsch

Absent

Celaya	Leath
Davis of Haskell	Morris
Dickison	Palmer
England	Petsch
Farmer	Reader
Felty	Schuenemann
Gibson	Simpson
Graves	Tennant
Harris of Archer	Vale
Kenyon	

Absent—Excused

Callan	Patterson of Mills
Carssow	Pope
Dean	Ragsdale
Dollins	

The House, accordingly, at 4:45 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Adkins was granted leave of absence for this evening, on account of important business, on motion of Mr. Metcalfe.

Mr. Kern was granted leave of absence for this evening, on account of illness, on motion of Mr. Bradbury.

HOUSE BILL NO. 63 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act amending Section 6, Article III, House Bill No. 8, of the Third Called Session of the Forty-fourth Legislature; defining certain words, terms and phrases; imposing a tax on the amount paid for admission to any place with the exceptions and fixing the amount of the tax; providing that persons subject to said tax shall file reports with and remit the tax to the Comptroller and describing information to be contained in said reports; authorizing the Comptroller to collect tax from persons required to make daily reports at the time such admission fees are received by said persons; requiring every operator of a place of continuous performance to keep certain records open to the inspection of the Comptroller and the Attorney General for a period of one (1) year; exempting certain institutions, societies and organizations from the tax levied herein; prescribing the manner of printing admission tickets; providing that the tax levied shall be a joint liability of the owner and operator of any place where an admission fee is charged and prescribing civil penalties for failure of such persons to pay said tax; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 228 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 228, A bill to be entitled "An Act authorizing a county local option election to decide whether or not such county shall have compulsory vaccination of dogs against rabies; providing that if such county votes in favor of compulsory vaccination that the owners of all dogs in such county shall have the same vaccinated by a licensed veterinarian who shall issue a tag which shall be worn on the collar about the neck of

such animal; providing that under certain conditions all dogs not vaccinated and running at large may be destroyed, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

SENATE BILL NO. 229 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 229, A bill to be entitled "An Act to amend Article 4473 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time.

Mr. Thornberry offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill No. 229, by adding after the words "injurious to health" a semicolon and the following words:

"Provided, however, that organic salicylates used for flavoring, such as methyl salicylate, oil of betula lenta or oil of gaultheria procumbens shall not be prohibited."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 229 was then passed to third reading.

SENATE BILL NO. 230 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 230, A bill to be entitled "An Act to amend Article 709 of the Penal Code of 1925, and declaring an emergency."

The bill was read second time.

Mr. Thornberry offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill No. 230, by adding after the words "injurious to health" a semicolon and the following words:

"Provided, however, that organic salicylates used for flavoring, such as methyl salicylate, oil of betula lenta or oil of gaultheria procumbens shall not be prohibited."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 230 was then passed to third reading.

SENATE BILL NO. 259 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 259, A bill to be entitled "An Act providing for the apprehension, arrest and trial of one alleged to be of unsound mind, and declaring an emergency."

The bill was read second time.

Mr. Keith offered the following amendment to the bill:

Amend Senate Bill No. 259, by adding thereto the following:

"Section 7a. A contract valid on its face, made with or likewise a conveyance made by a person who, at the time, has not been legally adjudged to be of unsound mind, or otherwise incompetent, and who is subsequently shown to have been insane, or otherwise incompetent, at the time of the execution of such contract or conveyance, will not be set aside or voided, where any such contract or conveyance has been executed in whole or in part, and was entered into in good faith and without fraud or impositions and for a valuable consideration, without notice of such infirmity, unless the parties including any person relying upon any such contract or conveyance, acquiring an interest in, or a lien upon, any land so conveyed shall be equitably restored to their original position.

"Section 7b. Any such contract or conveyance which may be executed by any person theretofore duly adjudged to be of unsound mind, or otherwise incompetent, and for whose estate no lawful guardian has been appointed, will not be set aside or voided, where any such contract or conveyance has been executed in whole or in part, and was entered into in good faith and without fraud or imposition and for a valuable consideration, without notice of such infirmity, unless the parties, including any person relying upon such contract or conveyance, acquiring an interest in, or lien upon, any land so conveyed, shall be equitably restored to their original posi-

tion; provided, however, that the order adjudging any such person to be of unsound mind, or otherwise incompetent, shall not be deemed to constitute a constructive notice as to any particular parcel or tract of land of such person, unless such order is filed and recorded in the deed records of the county where any such land may be situated in whole or in part; and the Clerk of the Court wherein any such order is entered shall forthwith cause a certified copy of such order to be so filed in every county where such person may own, have an interest in or lien upon, real estate as shown by the proceedings for such adjudication. It shall be the duty of the Court hearing any case for the adjudication of any person to be of unsound mind or otherwise incompetent, to inquire into the ownership and interest of every such person in real estate and to cause such findings to be made a part of the record of such proceeding. The cost incidental to the filing and recording of such certified copies shall be taxed as a part of the costs of such proceeding together with a fee of One Dollar to the clerk for each certified copy."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 259 was then passed to third reading.

SENATE BILL NO. 284 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 284, A bill to be entitled "An Act providing for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of grading, constructing of terraces and drainage structures and all other forms of dirt construction work, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 289 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 289, A bill to be entitled "An Act creating a Special Road Law

for Fannin County, Texas, and declaring an emergency."

The bill was read second time, and was passed to third reading.

HOUSE BILL NO. 420 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 420, A bill to be entitled "An Act providing Workmen's Compensation for State employees; defining certain terms; placing administration of the Act in the Industrial Accident Board and prescribing the duties and defining the powers of the Board; providing for the filing of claims; providing for payment to the beneficiary in case of death; providing the rate of compensation to be paid injured employees; providing the Board may require examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from the rules of the Board to certain courts; providing that if any person other than the State is legally liable for an injury to an employee of the State, such employee may proceed against either the State or such person and in event that the employee proceeds against the State, the State shall be subrogated to the rights of such employee, and declaring an emergency."

The bill was read second time.

Mr. Alsop offered the following amendment to the bill:

Amend House Bill No. 420, by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. By virtue of the provisions of Section 59 of Article III of the Constitution of the State of Texas granting the Legislature power to pass such laws as may be necessary to provide for Workman's Compensation Insurance for State employees, as in its judgment is necessary or required and to provide for the payment of all costs, charges and premiums on such insurance, provision is made as hereinafter set forth.

Section 2. The following words and phrases as used in this law shall, unless a different meaning is plainly required by the context, have the following meanings, respectively:

1. "Department" whenever used in

this law shall be held to mean the State Highway Department of Texas.

2. "Employee" shall mean every person in the service of the State Highway Department of Texas under any appointment or expressed contract of hire, oral or written, whose name appears under the payroll of the State Highway Department, except officials appointed by the Governor with the advice and consent of the Senate. Every person in the service of the State Highway Department who is paid on a piece-work basis, or on a basis other than by the hour, day, week, month, or year, shall not be considered an employee and shall not be entitled to insurance under this law.

3. "Insurance" shall mean Workman's Compensation Insurance.

4. "Board" shall mean the Industrial Accident Board of the State of Texas.

5. "Legal beneficiaries" shall mean the relatives named in Section 8-A of Article 8306, Revised Civil Statutes of 1925, adopted in Section 7 of this law.

6. "Average weekly wages" shall be as defined in Section 1, Article 8309, Revised Civil Statutes of 1925.

7. The terms "injury" or "personal injury" and "injuries sustained in the course of employment" shall be as defined in Section 1, Article 8309, Revised Civil Statutes of 1925.

8. Any reference to an employee herein who has been injured shall, when the employee is dead, also include the legal beneficiaries, as that term is herein used, of such employee to whom compensation may be payable. Whenever in this law the singular is used, the plural shall be included; whenever the masculine gender is used, the feminine and neuter shall be included.

Section 3. After the effective date of this law any employee, as defined in this law, who sustains an injury in the course of his employment shall be paid compensation as hereinafter provided.

The Department is hereby authorized to be self-insuring and is charged with the administration of this law. The Department shall notify the Board of the effective date of such insurance, stating in such notice the nature of the work performed by the employees of the Department, the approximate number of employees, and the estimated amount of payroll.

The Department shall give notice to all employees that effective at the time stated in such notice, the Department has provided for payment of insurance. If the Department ceases to provide such insurance, notice to all employees shall be given in writing of the date on or before which such insurance ceases.

Employees of the Department shall be conclusively deemed to have accepted the provisions hereof in lieu of common law or statutory causes of action, if any, for injuries resulting in the course of their employment.

Section 4. If an employee of the Department sustains an injury in the course of his employment, he shall be paid compensation by the Department, as hereinafter provided.

Section 5. If an action to recover damages for personal injuries sustained by an employee in the course of his employment, or for death resulting from personal injuries so sustained, the Department may defend in such action on the ground that the injury was caused by the willful intention of the employee to bring about the injury, or was so caused while the employee was in the state of intoxication.

Section 6. Employees of the Department and parents of minor employees shall have no right of action against the agents, servants, or employees of the Department for damages for personal injuries nor shall representatives and beneficiaries of deceased employees have a right of action against the agents, servants, or employees of the Department for injuries resulting in death, but such employees and their representatives and beneficiaries shall look for compensation solely to the Department as is provided in this law. All compensation allowed herein shall be exempt from garnishment, attachment, judgment and all other suits or claims, and no such right of action and no such compensation and no part thereof or of either shall be assignable, except as otherwise herein provided, and any attempt to assign the same shall be void.

Section 7. Unless otherwise provided herein Section 6 as amended by Acts, 1927, Fortieth Legislature, page 84, chapter 60, Section 1; 7; 7b; 7c; 8; 8a; 8b; 9 as amended by Acts, 1931, Forty-second Legislature, page 303, chapter 178; 10; 11; 11a, Acts, 1927, Fortieth Legislature, page 41, chapter 28, Section 1; 12; 12a; 12b;

12c; 12d as amended by Acts, 1931, Forty-second Legislature, page 260, chapter 155, Section 1; 12e; 12f; 12i as amended by Acts of 1931, Forty-second Legislature, page 259, chapter 154, Section 1; 13; 14; 15; 15a; 16; 17; 19 as amended by Acts, 1927, Fortieth Legislature, page 383, chapter 259, Section 1, as amended by Acts, 1931, Forty-second Legislature, page 133, Chapter 90, Section 1; Acts, 1931, Forty-second Legislature, page 415, chapter 248, Section 1, all being Sections of Article 8306 of the Revised Statutes, 1925, Sections 4a; 6a; 11; and 12 of Article 8307 of the Revised Civil Statutes, 1925; and Sections 4 and 5 of Article 8309 of the Revised Civil Statutes, 1925, are hereby adopted and shall govern insofar as applicable under the provisions of this law. Provided that whenever in the above adopted Sections of Articles 8306, 8307, and 9309 of the Revised Civil Statutes, 1925, the words "association", "subscriber", or "employer" or their equivalents appear in such Articles, they shall be construed to and shall mean "the Department".

Section 8. For representing the interest of any claimant in any manner carried from the Board into the courts, it shall be lawful for the attorney representing such interest to contract with any beneficiary under this law for an attorney's fee for such representation, such fee to be determined as herein provided and, when the amount recovered exceeds the amount of the award appealed from, to include not more than one-third of the amount by which the judgment exceeds the award, such fee for services so rendered to be determined and allowed by the trial court in which such cause may be heard and determined.

Section 9. It is the purpose of this law that the compensation herein provided for shall be paid from week to week and as it accrues and directly to the person entitled thereto, unless the liability is redeemed as in such cases provided elsewhere herein.

Section 10. The Board may require any employe claiming to have sustained injury to submit himself for examination before such Board or some one acting under its authority at some reasonable time and place within the State, and as often as may be reasonable ordered by the Board to a physician or physicians author-

ized to practice under the laws of this State. If the employe or the Department requests, he or it shall be entitled to have a physician or physicians of his or its own selection present to participate in such examination. Refusal of the employe to submit to such examination shall deprive him of his right to compensation during the continuance of such refusal. When a right to compensation is thus suspended no compensation shall be payable in respect to the period of suspension. If any employe shall persist in insanitary or injurious practices which tend to either imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment or other remedial treatment recognized by the State, as is reasonably essential to promote his recovery, the Board may in its discretion order or direct the Department to reduce or suspend the compensation of any such injured employe. No compensation shall be reduced or suspended under the terms of this Section without reasonable notice to the employe and an opportunity to be heard.

The Department shall have the privilege of having any injured employe examined by a physician or physicians of its own selection, at reasonable times, at a place or places suitable to the condition of the injured employe and convenient and accessible to him. The Department shall pay for such examination and the reasonable expense incident to the injured employe in submitting thereto. The injured employe shall have the privilege to have a physician of his own selection present to participate in such examination. Provided, when such examination is directed by the Board or the Department, the Department shall pay the fee of the physician selected by the employe, such fee to be fixed by the Board.

Process and procedure shall be as summary as may be under this law. The Board or any member thereof shall have power to subpoena witnesses, administer oaths, inquire into matters of fact, examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. All rulings and decisions of the Board relating to disputed claims shall be upon questions of fact and in accord with the provisions of this law.

Section 11. All questions arising under this law, if not settled by

agreement of the parties interested therein and within the provisions of this law, shall, except as otherwise provided, be determined by the Board. Any interested party who is not willing and does not consent to abide by the final ruling and decision of said Board shall within twenty (20) days after the rendition of said final ruling and decision by said Board, file with said Board notice that he will not abide by said final ruling and decision. And he shall within twenty (20) days after giving such notice bring suit in the county where the injury occurred to set aside said final ruling and decision and said Board shall proceed no further toward the adjustment of such claim, other than hereinafter provided. Whenever such suit is brought, the rights and liability of the parties thereto shall be determined by the provisions of this law and the suit of the injured employe or person suing on account of the death of such employe shall be against the Department. If the final order of the Board is against the Department, then the Department shall bring suit to set aside said final ruling and decision of the Board, if it so desires, and the court shall in either event determine the issues in such cause instead of the Board upon trial de novo and the burden of proof shall be upon the party claiming compensation. The Board shall furnish any interested party in said claim pending in court upon request free of charge, with a certified copy of the notice of the Department becoming an insurer filed with the Board and the same when properly certified to shall be admissible in evidence in any court in this State upon trial of such claim therein pending and shall be prima facie proof of all facts stated in such notice in the trial of said cause unless same is denied under oath by the opposing party therein. In case of recovery the same shall not exceed the maximum compensation allowed under the provisions of this law. If any party to any such final ruling and decision of the Board, after having given notice as above provided fails within said twenty (20) days to institute and prosecute a suit to set the same aside, then said final ruling and decision shall be binding upon all parties thereto, and, if the same is against the Department, it shall at once com-

ply with such final ruling and decision.

In all cases where the Board shall make a final order, ruling or decision, as provided in the preceding section and against the Department, and the Department shall fail and refuse to obey or comply with the same and shall fail or refuse to bring suit to set the same aside as in said section is provided, then in that event the claimant in addition to the rights and remedies given him and the Board in said section may bring suit in a court of competent jurisdiction, upon said order, ruling or decision. If he secures a judgment sustaining such order, ruling or decision in whole or in part, he shall also be entitled to recover the further sum of twelve per cent (12%) as damages upon the amount of compensation so recovered in said judgment, together with a reasonable attorney's fee for the prosecution and collection of such claim.

Where the Board has made an award against the Department requiring the payment to an injured employe or his beneficiaries of any weekly or monthly payments, under the terms of this law, and the Department should thereafter fail or refuse, without justifiable cause, to continue to make said payments promptly as they mature, then the said injured employe or his beneficiaries, in case of his death, shall have the right to mature the entire claim and to institute suit thereon to collect the full amount thereof, together with twelve percent (12%) penalties and attorney's fees as herein provided for. Suit may be brought under provisions of this section, either in the county where the accident occurred, or in any county where the claimants reside, or where one or more of such claimants may have his place of residence at the time of the institution of the suit.

Section 12. If the Department sublets the whole or any part of the work to be performed or done to any sub-contractor, then in the event any employe of such sub-contractor, whose name does not appear on the payroll of the Department, sustains an injury in the course of his employment, he shall be deemed and taken for all purposes of this law not to be an employe as defined in this law.

Section 13. The Department shall hereafter keep a record of all injuries fatal or otherwise, sustained by its

employees in the course of their employment. Within eight (8) days after the occurrence of an accident resulting in an injury to an employee, causing his absence from work for more than one (1) day, a written report thereof shall be made to the Board on blanks to be procured from the Board for that purpose. Upon the termination of the incapacity of the injured employee, or if such incapacity extends beyond a period of sixty (60) days, the Department shall make a supplemental report upon blanks to be procured for that purpose. The said report shall contain the name, age, sex and occupation of the injured employee and the character of work in which he was engaged at the time of the injury, and shall state the place, date, and hour of receiving such injury and the nature and cause of the injury, and such other information as the Board may require. The Department shall be responsible for the submission of the reports in the time specified in this section.

Section 14. The Department is authorized to promulgate and publish such rules and regulations and to prescribe and furnish such forms as may be necessary to the effective administration of this law, and the Department shall have authority to make and enforce such rules for the prevention of accidents and injuries as may be deemed necessary.

Section 15. Any order, award or proceeding of said Board when duly attested by any member of the Board or its secretary shall be admissible as evidence of the act of said Board in any court of this State.

Upon the written request and payment of the fees therefor, which fees shall be the same as those charged for similar services in the Secretary of State's office, the Board shall furnish to any person entitled thereto a certified copy of any order, award, decision or paper on file in the office of said Board and the fees so received for such copies shall be paid into the State Treasury and credited to the General Revenue Fund; provided that the Department shall be furnished such certified copies without charge. No fee or salary shall be paid to any person in said Board for making such copies in excess of the fees charged for such copies.

Section 16. Any interested party who is not willing and does not consent to abide by the final ruling and

decision of the Board shall, in the manner and within the time provided by Section 11 of this law, file notice with said Board, and bring suit in the county where the injury occurred to set aside said final ruling and decision; however, in the event such suit is brought in any county other than the county where the injury occurred, the court in which same is filed shall, upon ascertaining that it does not have jurisdiction to render judgment upon the merit, transfer the case to the proper court in the county where the injury occurred. Provided, however, that notice of said transfer shall be given to the parties and said suit when filed in the court to which the transfer is made, shall be considered for all purposes, the same as if originally filed in said court.

Section 17. When an injured employee has sustained an injury in the course of employment and filed claim for compensation and given notice as required by law, the Board shall hear his claim for compensation within a reasonable time. Provided, however, when such injured employee is being paid compensation as provided in this law, and the Department is furnishing either hospitalization or medical treatment to such employee, the Board may, within its discretion, delay or postpone the hearing of his claim, and no appeal shall be taken from any such order made by the Board.

Section 18. The Department is hereby authorized to set aside from available appropriations other than itemized appropriations an amount not to exceed three and one-half percent (3½%) of the annual labor payroll of the Department for the payment of all costs, administrative expense, charges, benefits and awards authorized by this law; and to set aside additional amounts as and when necessary.

The amounts so set aside shall be set up in a separate account in the records of the Department, which account shall show the disbursements authorized by this law; provided the amounts so set aside in this account shall not exceed three and one-half percent (3½%) of the annual labor payroll at any one time. A statement of the amounts set aside for, and disbursements from said account shall be included in reports made to the Governor and the Legislature as required by the statutes.

Section 19. That in every case appealed from the Board to any district

or county court, the clerk of such court shall, within twenty (20) days after the filing thereof, mail to the Board a notice giving the style, number and date of filing such suit, and shall within twenty (20) days after judgment is rendered in such suit, mail to the Board a certified copy of such judgment. The duties devolving upon district and county clerks under this law shall constitute a part of their ex-officio duties and for such services they shall not be entitled to any fee.

In every such case the attorney preparing the judgment shall file the original and a copy of same with the clerk of the court. However, the failure of such attorney to comply with this provision shall not excuse the failure of the clerk of a district or county court to mail a certified copy of such judgment to the Board as above provided.

Any clerk of a district or county court who fails to comply with the provisions of this law shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Hundred and Fifty (\$250.00) Dollars. (Acts, 1931, Forty-second Legislature, page 308, Chapter 182.)

Section 20. If any section, paragraph, or provision of this law be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this law, but the same shall remain in full force and effect.

Section 21. All laws or parts of laws in conflict herewith are hereby expressly suspended to the extent of such conflict.

Mr. Alsop offered the following amendment to the amendment:

"Amend amendment to House Bill No. 420, by striking out the last sentence in paragraph 3 of Section 3."

The amendment to the amendment was adopted.

The amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Alsop offered the following amendment to the bill:

"Amend House Bill No. 420, by adding thereto an emergency clause."

The amendment was adopted.

House Bill No. 420 was then passed to engrossment.

MESSAGE FROM THE SENATE

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 145, A bill to be entitled "An Act amending Article 3902, Revised Civil Statutes of 1925, and declaring an emergency. (With amendment.)"

H. B. No. 1078, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than 42,100 nor more than 42,250 according to the last preceding Federal Census and having a valuation in excess of \$20,000,000.00, the Commissioners' Court may allow the County Treasurer to retain fees and commissions not exceeding \$3,600.00 per annum, and declaring an emergency."

H. B. No. 1096, A bill to be entitled "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in the county board of school trustees; etc., and declaring an emergency." (With amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 472 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 472, A bill to be entitled "An Act amending Article 1645 as amended of the Revised Civil

Statutes of 1925 so as to permit the County Auditor in certain counties to act as purchasing agent therein on order of the commissioners court, fixing his compensation therefor, providing for the payment thereof, and declaring an emergency."

The bill was read second time.

Mr. England offered the following committee amendment to the bill:

Amend Senate Bill No. 472, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 1645, as amended, of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows, to-wit:

"Article 1645. (Appointment authorized). In any county having a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars, or over, according to the last approved tax roll, there shall be biennially appointed an Auditor of Accounts and Finances, the title of said officer to be County Auditor, who shall hold his office for two years, and who shall receive as compensation for his services One Hundred Twenty-five (\$125.00) Dollars for each million dollars, or major portion thereof on the assessed valuation, the annual salary to be computed from the last approved tax roll; said annual salary from county funds shall not exceed Three Thousand Six Hundred (\$3,600.00) Dollars. Provided, that in all Counties of not less than thirty-five thousand nor over thirty-seven thousand inhabitants according to the 1920 Federal Census, the salary shall not be less than Two Thousand Four Hundred (\$2,400.00) Dollars annually, said salary to be paid monthly out of the general revenue of the County upon an order of the Commissioners' Court. Provided, further, that in all counties having a population in excess of sixty-five thousand (65,000) inhabitants according to the last approved Federal Census, and having a tax valuation of not more than Forty Million (\$40,000,000.00) Dollars according to the last approved tax rolls, and containing two incorporated cities of more than thirteen thousand five hundred (13,500) population each, according to the last Federal Census, such Auditor may, in addition to his regular

duties as Auditor, constitute the purchasing agent of such county when so directed by order of the Commissioners' Court of such County, and, at the discretion of the Commissioners' Court of any such County, such discretion to be evidenced by order entered upon the minutes of such Court, such Auditor may receive as compensation for such additional services as purchasing agent a sum not to exceed Nine Hundred (\$900.00) Dollars annually, payable in twelve (12) equal monthly installments, and such compensation shall be in addition to that allowed by law for such Auditor, and payable out of the general revenue of such County. Provided, further, that in counties having more than 200,000 population and not more than 300,000 population according to the last Federal Census where there is a City and County hospital to care for the city and county patients, and where a financial record for such hospital must be kept and reports made to the City and County, the Auditor shall in addition to the regular duties performed by him as required by law, keep such financial record of such hospital, and make such report to the executive bodies of the City and County, the Mayor and City Commissioners for the City, and the County Judge and County Commissioners for the County, and shall receive for such additional services rendered in compiling the necessary reports and records, and keeping such financial record, an additional sum of One Thousand Two Hundred (\$1,200.00) Dollars per annum payable monthly, out of the fund created for said hospital.

Section 2. If any section, sentence or any part whatever of this Act should be held to be unconstitutional or invalid, the same shall not affect the remaining portion of this Act, and it is hereby declared that the Legislature would have passed that part which is constitutional and valid.

Section 3. The fact that there is no provision now made by law for a County Auditor to act as purchasing agent, and the further fact that such a provision would affect economies in many counties creates an emergency and imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take

effect and be in force from and after its passage, and it is so enacted."

Mr. Stocks offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to Senate Bill No. 472, by adding the following at the end of Section 1:

"Provided, further, that in all counties having a population of not less than twenty-four thousand, one hundred twenty-five (24,125), nor more than twenty-four thousand, one hundred fifty (24,150), according to the last preceding Federal Census, and employing a County Auditor, said County Auditor, in addition to the regular duties performed by him as required by law, may act as purchasing agent for the county when so directed by order of the Commissioner's Court of such county, and, at the discretion of the Commissioner's Court of such county (such discretion to be evidenced by order entered upon the minutes of such Court), such Auditor may receive as compensation for such additional services as purchasing agent a sum not to exceed Six Hundred (\$600.00) Dollars annually, payable in twelve (12) equal monthly installments, such compensation to be in addition to that allowed by law for such auditor and to be payable out of the general revenue of such county."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 472 was then passed to third reading.

SENATE BILL NO. 476 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 476, A bill to be entitled "An Act amending Chapter 174, Acts, Regular Session, Forty-fourth Legislature by adding thereto a new section to be known and designated as Section 1a following Section 1 of said Act, and amending Section 3 of Chapter 174, Acts, Regular Session, Forty-fourth Legislature, reappropriating the unexpended balances of the

appropriation of Three Million Dollars (\$3,000,000.00) made in said Act according to the allocation of said fund as made in Section 1 thereof and recreating the Commission of Control for Texas Centennial Celebration and prescribing the duties of said commission and amending Section 18 of Chapter 174, Acts, Regular Session, Forty-fourth Legislature in order to reappropriate the unexpended balance of the One Hundred Thousand (\$100,000.00) Dollars heretofore appropriated to the use of the State Board of Control for the purpose of paying expenses for the administration of the duties imposed upon said board under the Act, and declaring an emergency."

The bill was read second time.

Mr. Wood offered the following amendment to the bill:

Amend Senate Bill No. 476, by adding a new section to be numbered Section 3a which shall read as follows:

"There is hereby appropriated out of the unexpended balance of the said \$3,000,000.00, allotted under the provisions of Chapter 174, Acts, Regular Session of the Forty-fourth Legislature the sum of \$10,000.00 or so much thereof as may be necessary for the purpose of an audit of the above mentioned \$3,000,000.00, said audit to be made by the State Auditor, and provided that he shall furnish the Legislature a copy of said audit."

WOOD,
GIBSON,
TENNANT.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 476 was then passed to third reading.

HOUSE BILL NO. 976 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment.

H. B. No. 976, A bill to be entitled "An Act validating all conveyances made by Goliad County Commissioners' Court or under their authority of County or public school land and making such conveyance valid whether made at public auction or private sale, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1100 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1100, A bill to be entitled "An Act creating a special road law for Scurry County, Texas, providing that said County fund or refund indebtedness outstanding against its road and bridge fund as of March 31, 1937, including bonds, interest-bearing time warrants and scrip warrants by the issuance of funding or refunding bonds or warrants, either or both, setting forth the method of issuing same; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1105 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1105, A bill to be entitled "An Act amending Chapter 66, Forty-second Legislature, Regular Session, Section 1, exempting Jack County from the provisions of the Act; providing for the regulation and protection of catching and taking of fish in Jack County, prohibiting the sale or purchase of any fish caught in any waters in Jack County; providing for a penalty, and declaring an emergency."

The bill was read second time.

Mr. Lanning offered the following amendment to the bill:

Amend House Bill No. 1105, by striking out all below the enacting clause and insert in lieu thereof the following:

"A. Amend Chapter 66, Forty-second Legislature, Regular Session, Special Laws, Section 1, so that it shall read as follows:

A. Any person shall be permitted to take or catch catfish, bass and perch from any stream lake or waters, except any artificial lake covering more than twenty acres of ground that is fed by any stream or is subject to overflow in Wise, and Lamar Counties, Texas, with a seine or net, the meshes of which shall be more than two (2) inches square, but if

anyone shall take or catch catfish, bass and perch with a seine or net with a mesh of less than two (2) inches square in either of said Counties, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars.

B. Section 1. It shall be unlawful for any person, firm or corporation, or their agent or agents, to barter or to sell, or offer for barter or for sale, or to buy any bass, crappie, perch or catfish, or any other fish except minnows taken from any river, creek, lake, slough, bayou, tank or pond, that flows or is situated within the boundary lines of Jack County; provided, however, that the West Fork of the Trinity River be not included in these waters, and further provided that by the term West Fork of the Trinity River is meant the West Fork of the Trinity River proper, and the tributaries of the West Fork of the Trinity is not included in this exception; however, no seine or net shall be placed in the waters of this exception for the purpose of taking or catching fish, with meshes of which shall be less than two inches square.

Section 1-a. This Act shall not be understood to relate to fishing in, or to fish taken from, any artificial lake or body of water situated in more than one county, having surface area exceeding 1,000 acres and which body of water is owned by or under the control of a corporate governmental agency of the State of Texas, which agency has received or may receive from the State, and may have exercised, the power to regulate fishing in the waters controlled by it. In such case, it is the intent hereof that regulation under this Act (or any other general statute of the State) apply only to such acts, cases, matters or penalties as may not be regulated under order or ordinances lawfully enacted under such delegation of power by the State.

Section 2. Any person who shall use any lime, dynamite, nitroglycerin, giant powder or other explosive, or shall use any poisons, drugs, substances or things deleterious to fish life, in catching, taking or attempting to catch or take any fish in any of the rivers, creeks, lakes, sloughs, bayous, tanks or ponds that flow or

are situated within the boundary lines of Jack County including the West Fork of the Trinity River, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and in addition thereto be imprisoned in the County Jail for any term not exceeding one year.

Section 3. It shall be unlawful for any person to take or catch any fish in the waters described in Section One of this Act by any other means than the ordinary hook and line, or trot line or artificial baits; and it shall be unlawful for any person to place in any of the waters described in Section One of this Act any seine, net or other device or trap for taking or catching fish; provided, however, that any person may use a minnow seine which is not more than twelve feet in length, and the meshes of which are not less than one-sixth of an inch square for the purpose of catching minnows for bait, provided further that in seining for minnows for bait, as herein permitted, all bass, species of bass, crappie, white perch, calico bass and bream of whatever size that may be taken by seining shall be immediately returned to the waters uninjured provided further that no person shall use the minnow seine herein permitted for the purpose of taking any fish other than minnows for bait.

Section 4. Any person violating any of the provisions of Section 1 of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$50.00 for each violation of the law, and each fish caught, held in possession, sold or purchased, in violation of this Act shall be deemed a separate violation hereof and a separate offense, and the person guilty thereof may be prosecuted either in the county where the fish are caught, where he is found with them in his possession or where the fish are sold or bartered or offered for sale or barter or bought; provided that any person guilty of using a net or other device or trap for taking or catching fish as prohibited in Section Three of this Act shall upon conviction thereof, be fined not less than \$10.00 nor more than \$100.00 upon each conviction and in addition said seine, net or other device or trap so used for taking or catching fish or attempting to take or

catch fish, shall be forfeited to the State of Texas, and shall thereupon become the property of the State of Texas to be held, used and disposed of by the Fish and Game Commission of the State of Texas.

Section 5. The importance of this Act in preserving the game fish in the waters described in Section One hereof, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said Rule is hereby suspended and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1105 was then passed to engrossment.

HOUSE BILL NO. 1109 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1109, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, . . . etc., and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1109 was then passed to engrossment.

HOUSE BILL NO. 1119 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1119, A bill to be entitled "An Act to validate the organization

and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1124 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

H. B. No. 1124, A bill to be entitled "An Act repealing House Bill No. 185, Acts of the Forty-third Legislature, relating to the hunting, taking, or killing of squirrels in the counties of San Augustine and Sabine of Texas."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1126 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1126, A bill to be entitled "An Act repealing Chapter 16, Special Laws of the Forty-fourth Legislature, Regular Session of 1935."

The bill was read second time.

Mr. Keith offered the following committee amendment to the bill:

Amend House Bill No. 1126, by adding the following at the end of Section 1: "pertaining to fishing in Grayson County".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1126 was then passed to engrossment.

HOUSE BILL NO. 1127 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1127, A bill to be entitled "An Act providing for the designation of the territorial limits of unincorporated cities, towns and villages through which State Highways and public roads pass, and providing for the designation of school zones on State Highways, public roads and streets and alleys, and providing for the erection and maintenance of signs, markers, signals or lights designating the limits of such unincorporated cities, towns or villages; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1129 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1129, A bill to be entitled "An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission; . . . etc., and declaring an emergency."

The bill was read second time.

Mr. Heflin offered the following committee amendments to the bill:

Amend House Bill No. 1129, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The State of Texas hereby consents to the filing and prosecution of a suit by Willie Wise, and that he is hereby granted permission to bring suit against the State of Texas, and/or the Texas Relief Commission and/or Harris County, Texas, on account of the injury, conscious suffering which he sustained after the injury, and for damages by way of medical services and other bills incurred, and for loss of time up to the present and for loss of time as he may have in the future, all arising out of the injury of Willie Wise, and to establish and to enforce such claim and to secure compensation and damages, both for said injury, said conscious suffering, said medical expenses and said other expenses, on account of negligence of the employees of the Texas Relief Commission and/or Texas Relief Commission and/or Harris County, Texas and/or the State of Texas, as aforesaid, and in the manner alleged, and for any and all damages, both for said injury, loss of time, con-

scious suffering, medical expenses and other expenses, accruing to said Willie Wise by reason of the said negligence, or in any manner caused by the acts, or the failure to act, of said employees of the Texas Relief Commission and/or Texas Relief Commission and/or Harris County, Texas, as aforesaid, if any.

Section 2. That such suit may be filed in the District Court of Harris County, Texas, at any time within the next two (2) years from the date this Act takes effect, and such suit shall be tried and determined in the trial and Appellate Courts, according to the same rules of law and procedure as to liability and defense that would be applicable if such suit were brought against an ordinary person or corporation.

Section 3. That process in such suit may be served upon any member of the Texas Relief Commission and the Representatives of said Commission with the same force and effect as in any other civil case.

Section 4. That any judgment finally obtained be, and it is hereby recognized as a valid, subsisting and existing debt and obligation of the State of Texas and the Texas Relief Commission, and as such to be owing to said Willie Wise, and shall be paid out of General Revenue Fund of the State of Texas.

Section 5. That the Representatives of Texas Relief Commission and the Texas Relief Commission, either or both, be and they are hereby authorized to compromise or otherwise settle any such suit, or claims, if, in the opinion of either the Attorney General, or the Texas Relief Commission the said party or parties are entitled to compensation and/or damages, and the Comptroller be, and is hereby authorized and instructed to settle same in compliance therewith, and charge the same against the General Revenue Fund.

Section 6. The fact that there is no law now permitting the said Willie Wise to sue the State of Texas and/or the Texas Relief Commission and/or Harris County, Texas, on account of such damages accruing by virtue of such injury, loss of time, conscious suffering, medical expenses and other expenses, and because of the further fact that there is no law recognizing the liability of the State of Texas for such damages and such judgment, if,

as and when finally obtained, and because of the further fact that there is no law providing for the payment of such judgment, if as and when finally obtained, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force and effect from and after its passage, and it is so enacted."

WINFREE.

Amend House Bill No. 1129, by striking out all above the enacting clause and inserting in lieu thereof the following:

Preamble

Declaration of Policy

Whereas, On the 27th day of May, 1935, at around 9 o'clock a. m., Willie Wise of Harris County, Texas, was working for the Texas Relief Commission in Harris County; and

Whereas, He had worked only one day and up until about 9 o'clock a. m., the second day; and

Whereas, He was injured while working with a crew who were using one of the Texas Relief Commission trucks to haul piping from a side track on the Inglewood Tracks to the Houston Gardens Project, which was being put in by the Works Progress Administration; and

Whereas, He and two or three other men were on the truck and the truck was parked side ways up against a coal car which had side walls about three (3) feet high, and was loaded with iron piping and metal barrels containing joints, such as elbows for connecting piping about two (2) inches in diameter; and

Whereas, The barrel was something like a gasoline drum with its head out, and over which was tied a piece of cloth or bagging to hold the parts in the barrel, and weighed about five hundred (500) pounds; and

Whereas, there were only two men on the coal car, and said two men had placed the barrel up on the side wall of the coal car, but said two men were not sufficient help and/or were unable to properly handle said heavy barrel, and/or were without sufficient strength to hold the same when it tipped over the side of the coal car wall, and as a result of same suddenly it dropped and fell on Willie Wise and broke his left leg; and

Whereas, Numerous physicians have stated that he has never been able to work any since said date, and now Osteomyelitis has set up in the leg and he is liable to have to have the same amputated, and he is totally and permanently disabled, and that he was being paid Two (\$2.00) Dollars a day at the time of his injury; therefore

An Act granting to Willie Wise permission to bring suit against the State of Texas and/or the Texas Relief Commission and/or Harris County, Texas, in the District Court of Harris County, Texas, for damages for the conscious suffering which he sustained after the injury, and for damages by way of medical services and other bills incurred, and for physical personal injuries, and for loss of time up to the present and for such loss of time as he may have in the future, all on account of the negligence of the Texas Relief Commission and/or of the employees of the Texas Relief Commission and/or of the negligence of the State of Texas and/or of the negligence of Harris County, Texas; providing for place of venue; providing that such suit may be filed within two (2) years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally obtained; providing for the method of compromising and settling such claims, and declaring an emergency.

WINFREE.

The amendments were severally adopted.

House Bill No. 1129 was then passed to engrossment.

HOUSE BILL NO. 1128 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1128, A bill to be entitled "An Act amending Article 2922 A, Revised Civil Statutes as amended by Acts, 1925, Thirty-ninth Legislature, page 204, Chapter 59, as amended by Acts, 1927, Fortieth Legislature, First Called Session, page 206, Chapter 78, by adding another section to be entitled Section 2922 AA, providing for

the consolidation of Rural High School Districts and Common School Districts upon an election being held in the respective districts; and providing for an election adjusting the bonded indebtedness, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1132 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1132, A bill to be entitled "An Act amending Senate Bill No. 527 passed at the Regular Session of the Forty-third Legislature, 1933; providing for changing and prescribing times of holding court in the 84th Judicial District of Texas; . . . etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1136 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1136, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; . . . etc., and declaring an emergency."

The bill was read second time.

Mr. Hardin offered the following amendment to the bill:

Amend House Bill No. 1136, by striking out the words and figures "6%" wherever they appear and inserting in lieu thereof the words and figures "4½%".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1136 was then passed to engrossment.

HOUSE BILL NO. 1137 ON SECOND READING

On motion of Mr. Stevenson, the Twenty-four Hour House Rule, rela-

tive to the consideration of printed bills, was suspended, at this time, for the purpose of considering House Bill No. 1137.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1137, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being Senate Bill Number 467, as shown by the Acts of said Session page 359, et seq., for the location, establishment, erection, equipment and completion of a Tuberculosis Sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1137 ON THIRD READING

Mr. Stevenson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1137 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Alexander	Davisson
Alsup	of Eastland
Amos	Dean
Baker	Deglandon
Bates	Derden
Beckworth	Dickison
Bell	England
Blankenship	Felty
Boethel	Fox
Bond	Gibson
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harrell
Cagle	Harris of Archer
Cauthorn	Harris of Dallas
Celaya	Harris of Dickens
Cleveland	Hartzog
Colquitt	Heflin
Davis of Haskell	Herzik
Davis of Jasper	Holland
Davison of Fisher	Hoskins

Howard	Patterson
Huddleston	of Travis
Hull	Petsch
Hyder	Powell
Jackson	Prescott
James	Quinn
Johnson of Ellis	Reed of Bowie
Johnson	Reed of Dallas
of Tarrant	Rhodes
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Wise	Russell
Keefe	Rutta
Keith	Schuenemann
Kelt	Settle
Kenyon	Sewell
King	Shell
Knetsch	Simpson
Langdon	Skaggs
Lankford	Smith of Hopkins
Lanning	Smith
Leonard	of Matagorda
Leyendecker	Smith of Tarrant
Little	Stevenson
Loggins	Stocks
London	Talbert
Lucas	Tarwater
Mauritz	Tennant
McConnell	Tennyson
McCracken	Thornberry
McDonald	Thornton
McFarland	Vale
McKee	Waggoner
Metcalfe	Walker
Moffett	Weldon
Monkhouse	Westbrook
Morris	Winfree
Morse	Wood
Newton	Worley
Palmer	

Present—Not Voting

Fielden

Absent

Cathey	McKinney
Fuchs	Nicholson
Graves	Oliver
Jones of Falls	Reader
Leath	Ross
Mann	Sharpe
Mays	Stinson

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

The Speaker then laid House Bill No. 1137 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—125

Alsup	Jones of Falls
Alexander	Jones of Wise
Amos	Keefe
Baker	Keith
Bates	Kelt
Beckworth	Kenyon
Bell	King
Blankenship	Knetsch
Boethel	Langdon
Bond	Lankford
Boyer	Lanning
Bradbury	Leonard
Bradford	Leyendecker
Bridgers	Little
Broadfoot	Loggins
Brown	London
Burton	Lucas
Cagle	Mauritz
Cauthorn	McConnell
Celaya	McDonald
Cleveland	McFarland
Colquitt	McKee
Davis of Haskell	Metcalf
Davis of Jasper	Moffett
Davison of Fisher	Monkhouse
Davisson	Morris
of Eastland	Morse
Dean	Newton
Deglandon	Palmer
Derden	Patterson
Dickison	of Travis
England	Petsch
Felty	Powell
Fielden	Prescott
Fox	Quinn
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Hamilton	Rhodes
Hankamer	Riddle
Harbin	Roark
Hardin	Russell
Harper	Rutta
Harrell	Schuenemann
Harris of Archer	Settle
Harris of Dallas	Sewell
Harris of Dickens	Shell
Hartzog	Simpson
Heflin	Skaggs
Herzik	Smith of Hopkins
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stevenson
Hull	Stocks
Hyder	Talbert
Jackson	Tarwater
James	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Angelina	Vale

Waggoner
Walker
Weldon
Westbrook

Winfree
Wood
Worley

Absent

Cathey	McKinney
Graves	Nicholson
Hanna	Oliver
Jones of Atascosa	Reader
Leath	Ross
Mann	Sharpe
Mays	Stinson
McCracken	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

RELATIVE TO HOUSE BILL NO. 1139

Mr. Harris of Dallas moved to reconsider the vote by which House Bill No. 1139 was ordered printed in mimeograph form and not otherwise printed.

The motion prevailed.

Mr. Harris of Dallas withdrew the motion that the bill be printed in mimeograph form.

On motion of Mr. Harris of Dallas, the bill was then ordered not printed.

HOUSE BILL NO. 1139 ON SECOND READING

Mr. Harris of Dallas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1139 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Alexander
Alsup
Amos
Baker
Bates
Beckworth
Bell
Blankenship
Boethel
Bond
Boyer
Bradbury
Bradford
Broadfoot
Brown

Burton
Cagle
Cauthorn
Celaya
Cleveland
Colquitt
Davis of Haskell
Davis of Jasper
Davison of Fisher
Davisson
of Eastland
Dean
Deglandon
Derden
Dickison

England	Mauritz
Felty	McConnell
Fielden	McCracken
Fox	McDonald
Gibson	McKee
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse
Hardin	Newton
Harper	Palmer
Harris of Archer	Patterson
Harris of Dallas	of Travis
Harris of Dickens	Petsch
Hartzog	Powell
Heflin	Prescott
Herzik	Quinn
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Riddle
Hull	Roark
Hyder	Russell
Jackson	Rutta
James	Schuenemann
Johnson of Ellis	Settle
Johnson	Sewell
of Tarrant	Shell
Jones of Angelina	Simpson
Jones of Falls	Skaggs
Jones of Wise	Smith of Hopkins
Keefe	Smith of Tarrant
Keith	Stevenson
Kelt	Stocks
Kenyon	Tarwater
King	Tennant
Knetsch	Tennyson
Langdon	Thornberry
Lankford	Thornton
Lanning	Vale
Leath	Waggoner
Leonard	Walker
Leyendecker	Weldon
Little	Winfree
Loggins	Westbrook
London	Wood
Lucas	Worley

Present—Not Voting

Harrell

Absent

Bridgers	Nicholson
Cathey	Oliver
Fuchs	Reader
Graves	Ross
Jones of Atascosa	Sharpe
Mann	Smith
Mays	of Matagorda
McFarland	Stinson
McKinney	Talbert
Metcalfe	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1139, A bill to be entitled "An Act to create Dallas County Levee Improvement District Number Fourteen, of Dallas County, Texas, embracing lands in the County of Dallas, Texas, and lying within the boundaries of Dallas County Levee District Number Two, etc. . . . and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1139 ON THIRD READING

The Speaker then laid House Bill No. 1139 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—122

Alexander	Fielden
Alsup	Fox
Amos	Gibson
Baker	Hamilton
Bates	Hankamer
Beckworth	Hanna
Bell	Harbin
Blankenship	Hardin
Boethel	Harper
Boyer	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Harris of Dickens
Broadfoot	Hartzog
Brown	Heflin
Burton	Herzik
Cagle	Hoskins
Cauthorn	Howard
Celaya	Huddleston
Cleveland	Hull
Colquitt	Hyder
Davis of Haskell	Jackson
Davis of Jasper	James
Davison of Fisher	Johnson of Ellis
Davison	Johnson
of Eastland	of Tarrant
Dean	Jones of Angelina
Deglandon	Jones of Falls
Derden	Jones of Wise
Dickison	Keefe
England	Keith
Felty	Kelt

Kenyon	Reed of Dallas
King	Rhodes
Knetsch	Riddle
Lankford	Roark
Langdon	Russell
Lanning	Rutta
Leath	Schuenemann
Leonard	Settle
Leyendecker	Sewell
Little	Shell
Lucas	Simpson
Loggins	Skaggs
London	Smith of Hopkins
Mauritz	Smith
McConnell	of Matagorda
McCracken	Smith of Tarrant
McDonald	Stevenson
McKee	Stocks
Metcalfe	Talbert
Moffett	Tarwater
Monkhouse	Tennant
Morris	Tennyson
Morse	Thornberry
Newton	Thornton
Palmer	Vale
Patterson	Waggoner
of Travis	Walker
Petsch	Weldon
Powell	Westbrook
Prescott	Winfree
Quinn	Wood
Reed of Bowie	Worley

Absent

Bond	Mays
Bridgers	McFarland
Cathey	McKinney
Fuchs	Nicholson
Graves	Oliver
Harrell	Reader
Holland	Ross
Jones of Atascosa	Sharpe
Mann	Stinson

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 1141 ON SECOND
READING

Mr. Quinn moved that the constitutional rule, requiring bills to read on three several days, be suspended, and that House Bill No. 1141 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Alexander	Kenyon
Alsup	King
Amos	Knetsch
Baker	Lankford
Beckworth	Langdon
Bell	Lanning
Blankenship	Leath
Boethel	Leonard
Boyer	Little
Bradbury	Loggins
Bradford	London
Bridgers	Lucas
Broadfoot	Mauritz
Brown	McConnell
Burton	McDonald
Cagle	McKee
Cauthorn	Metcalfe
Celaya	Moffett
Cleveland	Monkhouse
Colquitt	Morris
Davis of Jasper	Morse
Davison of Fisher	Newton
Davisson	Palmer
of Eastland	Patterson
Dean	of Travis
Deglandon	Petsch
Derden	Powell
Dickison	Prescott
England	Quinn
Felty	Reed of Bowie
Fielden	Reed of Dallas
Fox	Rhodes
Gibson	Riddle
Hamilton	Roark
Hankamer	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Skaggs
Hartzog	Smith of Hopkins
Heflin	Smith of Tarrant
Herzik	Stevenson
Holland	Talbert
Hoskins	Tarwater
Howard	Tennant
Huddleston	Tennyson
Hyder	Thornberry
Jackson	Thornton
James	Vale
Johnson of Ellis	Waggoner
Johnson	Walker
of Tarrant	Weldon
Jones of Angelina	Westbrook
Jones of Falls	Winfree
Jones of Wise	Wood
Keith	Worley
Kelt	

Nays—1

Harrell

Present—Not Voting

Bond

Absent

Bates	McFarland
Cathey	McKinney
Davis of Haskell	Nicholson
Fuchs	Oliver
Graves	Reader
Hull	Ross
Jones of Atascosa	Sharpe
Keefe	Smith
Leyendecker	of Matagorda
Mann	Stinson
Mays	Stocks
McCracken	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two counties or portions thereof one of which counties according to the latest Federal Census had a population of not fewer than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1141 ON THIRD READING

The Speaker then laid House Bill No. 1141 before the House, on third reading and final passage.

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 1141 was then passed by the following vote:

Yeas—121

Alexander	Amos
Alsup	Baker

Bates	Langdon
Beckworth	Lankford
Bell	Lanning
Blankenship	Leath
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	Loggins
Bradford	London
Bridgers	Lucas
Brown	Mauritz
Burton	McConnell
Cagle	McCracken
Cauthorn	McDonald
Celaya	McKee
Cleveland	Metcalfe
Colquitt	Moffett
Davis of Haskell	Monkhouse
Davis of Jasper	Morris
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Palmer
Dean	Patterson
Deglandon	of Travis
Derden	Petsch
Dickison	Powell
England	Prescott
Felty	Quinn
Fielden	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Rhodes
Gibson	Riddle
Hamilton	Roark
Hankamer	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Skaggs
Hartzog	Smith of Hopkins
Heflin	Smith
Herzik	of Matagorda
Holland	Smith of Tarrant
Hoskins	Stevenson
Howard	Stocks
Huddleston	Talbert
Hyder	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Waggoner
Jones of Angelina	Walker
Jones of Falls	Weldon
Jones of Wise	Westbrook
Keith	Winfree
Kelt	Wood
Kenyon	Worley
King	

Nays—1

Harrell

Absent	
Broadfoot	McFarland
Cathey	McKinney
Graves	Nicholson
Hull	Oliver
Jones of Atascosa	Reader
Keefe	Ross
Knetsch	Sharpe
Mann	Stinson
Mays	Vale
Absent—Excused	
Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 1142 ON SECOND READING

Mr. Loggins moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1142 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—120	
Alexander	Hankamer
Alsup	Hanna
Amos	Harbin
Bates	Hardin
Baker	Harper
Beckworth	Harrell
Bell	Harris of Archer
Blankenship	Harris of Dallas
Boethel	Harris of Dickens
Bond	Hartzog
Boyer	Heflin
Bradbury	Herzik
Bradford	Holland
Bridgers	Hoskins
Brown	Howard
Burton	Huddleston
Cagle	Hyder
Cauthorn	Jackson
Celaya	James
Cleveland	Johnson of Ellis
Colquitt	Johnson of Tarrant
Davis of Haskell	Jones of Angelina
Davis of Jasper	Jones of Falls
Davison of Fisher	Jones of Wise
Davisson of Eastland	Keefe
Dean	Keith
Deglandon	Kelt
Dickison	Kenyon
England	King
Fox	Knetsch
Fuchs	Langdon
Gibson	Lankford
Hamilton	Lanning

Leath	Russell
Leonard	Rutta
Leyendecker	Schuenemann
Little	Settle
Loggins	Sewell
London	Shell
Lucas	Simpson
Mauritz	Skaggs
McConnell	Smith of Hopkins
McDonald	Smith of Matagorda
McKee	Smith of Tarrant
Metcalfe	Stevenson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Tennyson
Patterson of Travis	Thornberry
Petsch	Thornton
Powell	Vale
Prescott	Waggoner
Quinn	Walker
Reed of Bowie	Weldon
Reed of Dallas	Westbrook
Rhodes	Winfree
Riddle	Wood
Roark	Worley

Present—Not Voting

Fielden	Absent
Broadfoot	McFarland
Cathey	McKinney
Derden	Nicholson
Felty	Oliver
Graves	Palmer
Hull	Reader
Jones of Atascosa	Ross
Mann	Sharpe
Mays	Stinson
McCracken	
Absent—Excused	
Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1142, A bill to be entitled "An Act providing for the disposition of fees of office and setting the maximum for county officers in certain counties; providing that if any part of this Act is held unconstitutional, it shall not effect the remaining part of the Act; repealing all laws in conflict herewith and fixing the effective date of the bill, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1142 ON THIRD READING

The Speaker then laid House Bill No. 1142 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—122

Alexander	Hyder
Alsup	Jackson
Amos	James
Baker	Johnson of Ellis
Bates	Johnson
Beckworth	of Tarrant
Bell	Jones of Angelina
Blankenship	Jones of Falls
Boethel	Jones of Wise
Bond	Keith
Boyer	Kelt
Bradbury	Kenyon
Bradford	Knetsch
Bridgers	Langdon
Broadfoot	Lankford
Brown	Lanning
Burton	Leath
Cagle	Leonard
Cauthorn	Leyendecker
Celaya	Little
Cleveland	Loggins
Colquitt	London
Davis of Haskell	Lucas
Davis of Jasper	Mauritz
Davison of Fisher	McConnell
Davisson	McCracken
of Eastland	McDonald
Dean	McKee
Deglandon	Metcalfe
Derden	Moffett
Dickison	Monkhouse
England	Morris
Felty	Morse
Fox	Newton
Fuchs	Palmer
Gibson	Patterson
Hamilton	of Travis
Hankamer	Petsch
Hanna	Powell
Harbin	Prescott
Hardin	Quinn
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Roark
Hartzog	Russell
Heflin	Rutta
Herzik	Schuenemann
Holland	Settle
Howard	Sewell
Huddleston	Shell

Simpson	Tennyson
Skaggs	Thornberry
Smith of Hopkins	Thornton
Smith	Vale
of Matagorda	Waggoner
Smith of Tarrant	Walker
Stevenson	Weldon
Stinson	Westbrook
Stocks	Winfree
Tarwater	Wood
Tennant	Worley

Present—Not Voting

Fielden

Absent

Cathey	McFarland
Graves	McKinney
Hoskins	Nicholson
Hull	Oliver
Jones of Atascosa	Reader
Keefe	Ross
King	Sharpe
Mann	Talbert
Mays	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 875 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 875, A bill to be entitled "An Act providing relief for the Leesville Common School District No. 27 and the Dewitt Common School District No. 47 in Gonzales County in replacing and repairing damage to buildings and equipment caused by a calamitous flood resulting from a cloud-burst on July 1st, 1936; making an appropriation for said Districts to replace and repair such damage, and declaring an emergency."

The bill was read second time.

Mr. Hoskins offered the following committee amendments to the bill:

Amend House Bill No. 875, Section 1, by striking from the latter part of said section, the words and figures "Fifteen Hundred (\$1,500.00) Dollars" and in lieu thereof insert the following:

"Twenty-seven Hundred Thirty-one (\$2,731.00) Dollars."

Amend House Bill No. 875, by adding a new sentence to Section 1 thereof to read as follows:

"Provided, however, that none of the money appropriated herein shall be used for the purpose of purchasing library, maps, and charts."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 875 was then passed to engrossment.

HOUSE BILL NO. 906 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 906, A bill to be entitled "An Act providing the method whereby any interested party affected by any rule or order made or promulgated by the Highway Commission or any contract made by the Commission, shall have the right to institute suit in Travis County, Texas, against the Commission and seek relief such as may be necessary, providing the procedure in respect thereto and granting of injunctions under certain conditions and providing for and prescribing the manner and method of executing injunction bonds and the procedure in reference thereto; providing for the conditions of such bond and the right of persons to sue thereon, granting to either party the right of appeal from the judgment rendered therein, and providing for the advancement of said cause in the Appellate Courts, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Mr. Brown offered the following amendments to the bill:

Amend the caption to House Bill No. 906, by striking out the words "in Travis County, Texas".

Amend House Bill No. 906, by adding a new paragraph which shall read as follows:

"The fact that the Highway Commission may be greatly hampered in the construction of highways creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House should be suspended and the same is hereby suspended and this Act shall

be in force and effect from and after its passage and it is so enacted."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 906 was then passed to engrossment.

SENATE BILL NO. 397 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 397, A bill to be entitled "An Act amending Chapter 2, Title 8, of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, by adding thereto Article 601-A, providing that in all counties having therein a city of one hundred thousand or more population, as shown by the last preceding Federal Census, the Judge of the court having jurisdiction of a capital case in which a motion for special venire has been made, shall grant or refuse such motion at his discretion and upon his refusal to grant same, require the case to be tried by the regular jurors summoned for service and such additional talesman as may be ordered in the courts of such county; etc., and declaring an emergency."

The bill was read second time.

Mr. Felty offered the following amendment to the bill:

Amend Senate Bill No. 397, by striking out the words and figures "100,000 or more", line 6, page 2, and insert in lieu thereof the following: "231,500 and not more than 250,000".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 397 was then passed to third reading.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Knetsch, Senate Bill No. 483 was ordered not printed.

HOUSE BILL NO. 287 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 287, A bill to be entitled "An Act to amend Article 4594 of Title 73 of the Revised Civil Statutes of the Acts of the Legislature of 1919 to provide in said Article for a lien in favor of owners of apartment houses, as well as proprietors of hotels or boarding houses on the baggage or other property of tenants, guests and lessees of hotels, apartment houses and boarding houses for rent due to such owners of hotels, apartment houses and boarding houses, and to further provide for a lien upon the baggage or other property of such tenants for the wanton, wilful or negligent destruction of property in or about, or connected with, the premises occupied by such tenants."

The bill was read second time.

Mr. Bridgers offered the following committee amendment to the bill:

Amend House Bill No. 287, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 4594, Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4594. Proprietors of hotels, apartment houses or boarding houses shall have a lien on the baggage and other property of guests in such hotel, apartment house or boarding house, for all sums due for board, lodging, extras furnished or money advanced at the request of such guest, and shall have the right to retain possession of such baggage or other property until the amount of such charges is paid. Such baggage and other property shall be exempt from attachment or execution while in the possession of such proprietor."

The amendment was adopted.

Mr. Bridgers offered the following committee amendment to the bill:

Amend House Bill No. 287, by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL

To Be Entitled

An Act amending Article 4594, Revised Civil Statutes of Texas, 1925,

providing for a lien on the baggage and other property of guests in hotels, apartment houses and boarding houses, for all sums due for board, lodging, extras furnished or money advanced at the request of such guest, and providing for retaining possession of such baggage or property until the amount of such charges is paid, and exempting such baggage and property from attachment while in possession of such proprietor."

The amendment was adopted.

House Bill No. 287 was then passed to engrossment.

HOUSE BILL NO. 557 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant, dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an agent of any commission merchant, dealer or broker without first complying with the terms and provisions of this Act; . . . etc., and declaring an emergency."

The bill was read second time.

Mr. Worley offered the following committee amendments to the bill:

Amend House Bill No. 557, by striking out the following words in Section 2, Subsection (F), page 4, "in lawful money of the United States."

Amend House Bill No. 557, by striking out Section 8.

The amendments were severally adopted.

Mr. Celaya offered the following amendment to the bill:

Amend House Bill No. 557, by adding at the end of Section 8, the following:

"The terms of this Act pertaining to necessity for a license and collection of license fees shall apply only to those entering into, or those doing business in the Texas Citrus Zone, as said area is defined in Section 1 of House Bill No. 553, Chapter 350, General Laws of Texas, Regular Session, Forty-second Legislature."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 557 was then passed to engrossment.

HOUSE BILL NO. 108 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 108, A bill to be entitled "An Act making it unlawful for the fraudulent taking of any cotton or cottonseed; making such an offense a felony; providing punishment therefor, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—118

Alexander	Fuchs
Alsup	Gibson
Alsup	Hamilton
Baker	Hankamer
Bates	Hanna
Beckworth	Harbin
Bell	Hardin
Blankenship	Harper
Boethel	Harrell
Bond	Harris of Archer
Boyer	Harris of Dallas
Bradbury	Hartzog
Bradford	Herzik
Bridgers	Holland
Broadfoot	Hoskins
Burton	Howard
Cagle	Huddleston
Cauthorn	Hull
Celaya	Hyder
Cleveland	Jackson
Colquitt	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Jones of Angelina
Davison	Jones of Falls
of Eastland	Jones of Wise
Dean	Keefe
Deglandon	Keith
Derden	Kelt
Dickson	King
Felty	Knetsch
Fielden	Langdon
Fox	Lankford

Lanning	Roark
Leath	Russell
Leonard	Rutta
Leyendecker	Schuenemann
Little	Settle
Loggins	Sewell
London	Shell
Lucas	Simpson
Mauritz	Skaggs
McCracken	Smith of Hopkins
McDonald	Smith
McKee	of Matagorda
Metcalfe	Smith of Tarrant
Moffett	Stevenson
Monkhouse	Stinson
Morris	Talbert
Morse	Tarwater
Newton	Tennant
Palmer	Tennyson
Patterson	Thornberry
of Travis	Thornton
Petsch	Vale
Powell	Waggoner
Prescott	Walker
Quinn	Weldon
Reed of Bowie	Westbrook
Reed of Dallas	Winfree
Rhodes	Wood
Riddle	

Nays—3

Johnson	McConnell
of Tarrant	Stocks

Absent

Brown	Mays
Cathey	McFarland
Davison of Fisher	McKinney
England	Nicholson
Graves	Oliver
Harris of Dickens	Reader
Heflin	Ross
Jones of Atascosa	Sharpe
Kenyon	Worley
Mann	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

SENATE BILL NO. 158 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 158, A bill to be entitled "An Act amending Article 535, R. C. S. Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, R. C. S. of Texas, 1925; providing that

this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 356 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 356, A bill to be entitled "An Act to amend Article 4202 of Chapter 8 of Title 69, of the Revised Civil Statutes of 1925, of the State of Texas regulating the sales of real estate by guardians."

The bill was read third time, and was passed.

SENATE BILL NO. 473 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 474 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 543 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 543, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

The bill was read third time.

Mr. Petsch offered the following amendment to the bill:

Amend House Bill No. 543, by adding the following after the words "Section 1": "That Article 1986 of the Revised Civil Statutes of Texas of 1925, is hereby amended so that it shall hereafter read as follows:"

The amendment was adopted.

House Bill No. 543 was then passed.

HOUSE BILL NO. 645 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 645, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; . . . etc., and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 646 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 646, A bill to be entitled "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; . . . etc., and declaring an emergency."

The bill was read third time.

Mr. London offered the following amendment to the bill:

Amend the bill by adding the word "meat" before the words "packing house".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 646 was then passed.

HOUSE BILL NO. 651 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 651, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of Chapter 262, Acts, Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—113

Alexander	James
Amos	Johnson of Ellis
Baker	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Bell	Jones of Falls
Blankenship	Jones of Wise
Boethel	Keefe
Bond	Keith
Boyer	Kelt
Bradbury	King
Bradford	Knetsch
Bridgers	Langdon
Brown	Lankford
Burton	Lanning
Cagle	Leath
Cauthorn	Leonard
Colquitt	Loggins
Davis of Haskell	London
Davis of Jasper	Lucas
Davison of Fisher	Mauritz
Davison	McConnell
of Eastland	McDonald
Deglandon	McKee
Derden	Metcalfe
Dickison	Moffett
England	Monkhouse
Felty	Morris
Fielden	Morse
Fox	Newton
Fuchs	Palmer
Gibson	Patterson
Hamilton	of Travis
Hankamer	Petsch
Hanna	Powell
Harbin	Prescott
Hardin	Quinn
Harper	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Hartzog	Riddle
Holland	Roark
Hoskins	Russell
Howard	Rutta
Huddleston	Settle
Hull	Sewell
Hyder	Shell
Jackson	Simpson

Skaggs	Thornberry
Smith of Hopkins	Thornton
Smith	Vale
of Matagorda	Waggoner
Smith of Tarrant	Walker
Stevenson	Weldon
Stinson	Westbrook
Talbert	Winfree
Tarwater	Wood
Tennant	Worley
Tennyson	

Nays—1

Alsup

Absent

Broadfoot	Little
Cathey	Mann
Celaya	Mays
Cleveland	McCracken
Dean	McFarland
Graves	McKinney
Harrell	Nicholson
Harris of Dickens	Oliver
Heflin	Reader
Herzik	Ross
Jones of Atascosa	Schuenemann
Kenyon	Sharpe
Leyendecker	Stocks

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 663 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 663, A bill to be entitled "An Act providing for the beginning of the terms of certain State and District offices of the State of Texas, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 669 ON THIRD
READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 669, A bill to be entitled "An Act repealing Article 726a, Chapter 3 of the Penal Code, being page 52, Chapter 29, of the General and Special Laws of the Forty-third Legislature, Third Called Session, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—112

Alexander	Langdon
Alsup	Lanning
Amos	Leath
Baker	Leonard
Bates	Little
Beckworth	Loggins
Bell	London
Blankenship	Lucas
Boethel	Mann
Bond	Mauritz
Boyer	McConnell
Bradbury	McDonald
Bradford	McKee
Bridgers	Metcalfe
Brown	Moffett
Burton	Monkhouse
Cagle	Morris
Cauthorn	Morse
Cleveland	Newton
Colquitt	Palmer
Davis of Haskell	Patterson
Davis of Jasper	of Travis
Davison of Fisher	Petsch
Davison	Powell
of Eastland	Prescott
Deglandon	Quinn
Derden	Reed of Bowie
Dickison	Reed of Dallas
Felty	Rhodes
Fielden	Riddle
Fox	Roark
Fuchs	Russell
Gibson	Rutta
Hamilton	Settle
Hanna	Sewell
Harbin	Shell
Hardin	Simpson
Harper	Smith of Hopkins
Harrell	Smith
Harris of Archer	of Matagorda
Harris of Dallas	Smith of Tarrant
Hartzog	Stevenson
Holland	Stinson
Howard	Talbert
Huddleston	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Falls	Walker
Jones of Wise	Weldon
Keefe	Westbrook
Keith	Winfree
Kelt	Wood
King	Worley
Knetsch	
	Absent
Broadfoot	Celaya
Cathey	Dean

England	Mays
Graves	McCracken
Hankamer	McFarland
Harris of Dickens	McKinney
Heflin	Nicholson
Herzik	Oliver
Hoskins	Reader
Hull	Ross
Hyder	Schuenemann
Jones of Atascosa	Sharpe
Kenyon	Skaggs
Lankford	Stocks
Leyendecker	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 688 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 688, A bill to be entitled "An Act making it lawful for any member of a duly organized state, county or municipal peace unit of another State of the United States who enters into and continues within this State in close pursuit of a person in order to arrest him on ground that he has committed a felony in such other state, to have the same authority to arrest and hold in custody such person, as similar authorities of this State have under the same circumstances; . . . etc., and declaring an emergency."

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 688 was then passed.

HOUSE BILL NO. 689 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 689, A bill to be entitled "An Act providing the summoning of witness in this State to testify in another state; defining certain terms and words; declaring the manner in which judge of out-of-state court may make certificate to judge of court in this State for the procurement of witness; providing the circumstances under which witness may go; . . . etc., providing the effective date."

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 689 was then passed.

ADDITIONAL SIGNER OF HOUSE BILL NO. 705

By unanimous consent of the House, the following Member was authorized to sign bill, as co-author of same, as follows:

Mr. Settle, House Bill No. 705.

HOUSE BILL NO. 705 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said Court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing all laws in conflict with this Act, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—113

Alexander	Dickison
Alsup	Felty
Amos	Fielden
Baker	Fox
Bates	Fuchs
Beckworth	Gibson
Bell	Hamilton
Blankenship	Hankamer
Boethel	Hanna
Bond	Harbin
Boyer	Hardin
Bradbury	Harper
Bradford	Harrell
Bridgers	Harris of Archer
Broadfoot	Harris of Dallas
Brown	Hartzog
Burton	Holland
Cagle	Hoskins
Cauthorn	Howard
Cleveland	Huddleston
Colquitt	Hyder
Davis of Haskell	Jackson
Davis of Jasper	James
Davison of Fisher	Johnson of Ellis
Davison	Johnson
of Eastland	of Tarrant
Deglandon	Jones of Angelina
Derden	Jones of Falls

Jones of Wise
Keefe
Keith
Kelt
King
Knetsch
Langdon
Lankford
Lanning
Leath
Leonard
Little
Loggins
London
Lucas
Mauritz
McConnell
McDonald
McKee
Metcalf
Moffett
Monkhouse
Morris
Morse
Newton
Palmer
Patterson
of Travis
Petsch
Powell
Prescott

Quinn
Reed of Bowie
Reed of Dallas
Rhodes
Riddle
Roark
Russell
Rutta
Settle
Sewell
Simpson
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stevenson
Stinson
Talbert
Tennant
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Weldon
Westbrook
Winfree
Wood
Worley

Absent

Cathey	McCracken
Celaya	McFarland
Dean	McKinney
England	Nicholson
Graves	Oliver
Harris of Dickens	Reader
Heflin	Ross
Herzik	Schuenemann
Hull	Sharpe
Jones of Atascosa	Shell
Kenyon	Skaggs
Leyendecker	Stocks
Mann	Tarwater
Mays	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 260 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 260, A bill to be entitled "An Act amending Article 5142A of the Revised Civil Statutes of Texas as adopted by the Forty-second Legislature, Acts, 1931, page 759, Chapter

302, paragraph 1, concerning the qualifications, duties, appointments, salaries, and removal of Probation Officers, and declaring an emergency."

The bill was read third time.

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 260, by adding a new Section to be numbered Section 2, and renumbering the remaining Sections accordingly, Section 2 to be inserted after line 14, page 5 of printed bill and to read as follows:

"Section 2. Provided that in counties having a population of more than three hundred and twenty thousand (320,000) and not exceeding three hundred and fifty thousand (350,000) inhabitants according to the last preceding or any future Federal Census the County Juvenile Board shall appoint a juvenile officer for a term of two (2) years at a salary not to exceed Three Thousand Six Hundred (\$3,600.00) Dollars per annum, to be fixed by the County Juvenile Board subject to the approval of the Commissioners Court to be paid monthly by the county, whose extra duties will be to make investigations for the Commissioners Court on applications for charity or admission into detention homes or orphan homes created by such counties. Such juvenile officer may select assistant juvenile officers subject to the approval of such Board, the number of such assistants to be determined by the Juvenile Board subject to the approval of the Commissioners Court. The salaries of such assistants shall be the same as that fixed in Article 3902 of the Revised Civil Statutes of Texas, of 1925, and as amended for assistants to other officials, except that the head of a department need not have before served for any particular period of time, efficiency being called for in such counties. Such juvenile officers may be allowed expenses not to exceed Two Hundred (\$200.00) Dollars a year each.

(a). One or more probation officers out of the probation department in counties with a population of more than three hundred and twenty thousand (320,000) and not exceeding three hundred and fifty thousand (350,000) inhabitants according to the last preceding or any future Federal

Census, having a County Juvenile Board as may be determined necessary by the County Juvenile Board shall keep a record of all wife and child desertion cases wherein criminal charges are pending in said county and shall immediately investigate the facts in each case and the defendant's ability to support his wife and/or children, and shall upon complaint that any payment under the order of Court for the support of the defendant's wife and/or children make investigations into the reasons why such payments are not being made and shall make reports of all such matters immediately upon the making of such investigation to the District Attorney and/or the Court in which such case is pending.

(b). All payments made under the order of the Court in such county in wife and children desertion cases for the support of wives and children shall be paid in to said probation officer working in said Court as an officer of the Court, and said probation officer shall disburse said funds for the benefit of the wife and/or children of the defendant making such payments in such manner as shall appear to the Court to be for the best interest of said wife and/or children.

(c). Said probation officer shall make a surety bond in some solvent surety company authorized to make such bonds in Texas conditioned upon the faithful performance of the duties of his position and further conditioned upon his properly accounting for any moneys entrusted to him, said bond to be in such amount as may be fixed by the county auditor and subject to the approval of the county auditor.

(d). Said probation officer in such county with a population of more than three hundred and twenty thousand (320,000) and not exceeding three hundred and fifty thousand (350,000) inhabitants according to the last preceding Federal Census, shall keep a complete record of all his investigations and of his receipts and disbursements of all moneys which shall be a public record open to the inspection of the public, and it shall be the duty of the county auditor to inspect and examine such records and audit such accounts quarterly making due report of his findings and recommendations with respect thereto to the County Juvenile Board.

(e). In all suits for divorce in counties having a population of more than three hundred and twenty thousand (320,000) and not exceeding three hundred and fifty thousand (350,000) inhabitants according to the last preceding or any future Federal Census where it appears from the petition or otherwise that the parties to such suit have a child or children under sixteen (16) years of age it shall be the duty of the Probation Department subject to the direction of the Court to make a complete and thorough examination into the merits of the claim for divorce and to report its findings to the Court in connection therewith and to make a thorough and complete investigation as to the necessities of the child or children and the disposition that should be made of such child or children and to make report thereof to the Court prior to the trial of said case, and if desired by the Court, produce such evidence as may have been developed in connection with such matters on the trial of such case. The County Juvenile Board in counties having a population of more than three hundred and twenty thousand (320,000) and not exceeding three hundred and fifty thousand (350,000) inhabitants according to the last preceding or any future Federal Census, is hereby authorized and required to appoint a supervising head of county institutions having to do with juveniles, delinquents and dependents of such county which said supervising head of county institutions may be the county probation officer of said county who, if appointed, shall serve without additional salary or in the discretion of the County Juvenile Board; any person may be selected by such Board as the supervising head of county institutions, who shall be paid a salary not in excess of Three Thousand Six Hundred (\$3,600.00) Dollars a year to be agreed upon by said Juvenile Board and the County Commissioners Court, and said County Juvenile Board is hereby authorized and required to appoint the heads of all county institutions having to do with Juveniles, delinquents, and dependents, including county poor farms and old folks' homes. Said supervising head of the county institutions is hereby authorized and required to direct the policies and conduct of such institutions under the supervision

and direction of the County Juvenile Board. The heads of various institutions shall be authorized to select such other employees for their institutions as may be determined or needed, by the County Juvenile Board, at such salary as may be fixed by said County Juvenile Board, and such salaries are to be subject to the approval of the County Commissioners Court.

(f). Said supervising head of the County Institutions in such counties or other county officers under his direction, is hereby required to follow up and supervise all cases committed to such institutions as are provided or may be provided for juveniles, delinquents and dependents until they become of age, reporting to the Juvenile Board from time to time as required by it for its approval and action. The Commissioners Court shall provide the necessary funds for the operation of all such institutions.

The amendment was adopted.

Mr. Hull offered the following amendments to the bill:

Amend House Bill No. 260, by striking out in line 19, page 4, the words "juvenile board" and substitute in lieu thereof the word "judge".

Amend House Bill No. 260, by striking out in line 33, page 4, the words and figures "Three Hundred and Fifty (\$350.00) Dollars" and substitute in lieu thereof the words and figures "Two Hundred and Fifty (\$250.00) Dollars".

Amend House Bill No. 260, by striking out on page 4 the word "such" in line 34 and all of lines 35, 36, 37, 38, 39 and 40, and on page 5, all of line 1, and the words "such assistants" in line 2.

The amendments were severally adopted.

Mr. Tennyson offered the following amendment to the bill:

Amend House Bill No. 260, page 3, line 1, by changing the figures "15,000" to "17,500", and by striking out the figures "15,000", line 15, and insert in lieu thereof "17,501", and by changing "\$125.00" to "\$100.00", and by striking out all of line 11, beginning with the word "and", and all of line 13.

TENNYSON,
WALKER.

The amendment was adopted.

Mr. Dickison offered the following amendment to the bill:

Amend House Bill No. 260, page 4, line 17, by changing "70,000" to read "50,000".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 260 was then passed by the following vote:

Yeas—109

Alexander	Johnson
Amos	of Tarrant
Baker	Jones of Angelina
Bates	Jones of Falls
Beckworth	Jones of Wise
Bell	Keefe
Blankenship	Keith
Boethel	Kelt
Bond	King
Boyer	Knetsch
Bradbury	Langdon
Bradford	Lanning
Bridgers	Leath
Broadfoot	Leonard
Burton	Little
Cagle	Loggins
Cauthorn	London
Cleveland	Lucas
Colquitt	Mauritz
Davis of Haskell	McConnell
Davis of Jasper	McDonald
Davison of Fisher	McKee
Davisson	Metcalfe
of Eastland	Moffett
Deglandon	Monkhouse
Derden	Morris
Dickson	Morse
Felty	Newton
Fielden	Palmer
Fuchs	Patterson
Gibson	of Travis
Hamilton	Petsch
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Reed of Dallas
Harper	Rhodes
Harrell	Roark
Harris of Archer	Russell
Harris of Dallas	Rutta
Hartzog	Schuenemann
Holland	Settle
Hoskins	Sewell
Howard	Shell
Huddleston	Simpson
Hyder	Skaggs
Jackson	Smith of Hopkins
James	Smith
Johnson of Ellis	of Matagorda

Smith of Tarrant	Vale
Stinson	Waggoner
Talbert	Walker
Tarwater	Weldon
Tennant	Westbrook
Tennyson	Winfree
Thornberry	Worley
Thornton	

Nays—5

Alsup	Reed of Bowie
Brown	Wood
Lankford	

Absent

Cathey	Mann
Celaya	Mays
Dean	McCracken
England	McFarland
Fox	McKinney
Graves	Nicholson
Harris of Dickens	Oliver
Heflin	Reader
Herzik	Riddle
Hull	Ross
Jones of Atascosa	Sharpe
Kenyon	Stevenson
Leyendecker	Stocks

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 1096 WITH
SENATE AMENDMENTS

Mr. Leath called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1096, A bill to be entitled "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in the county board of school trustees; etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Leath, the House concurred in the Senate amendments by the following vote:

Yeas—111

Alexander	Lankford
Alsup	Lanning
Amos	Leath
Baker	Leonard
Beckworth	Little
Bell	Loggins
Blankenship	London
Boethel	Lucas
Bond	Mann
Boyer	Mauritz
Bradbury	McConnell
Bradford	McDonald
Bridgers	McKee
Broadfoot	Metcalfe
Burton	Moffett
Cagle	Monkhouse
Cauthorn	Morris
Cleveland	Morse
Colquitt	Newton
Davis of Haskell	Palmer
Davis of Jasper	Patterson
Davison of Fisher	of Travis
Deglandon	Petsch
Derden	Powell
Dickison	Prescott
Felty	Quinn
Fielden	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Rhodes
Hamilton	Roark
Hankamer	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harrell	Shell
Harris of Archer	Simpson
Harris of Dallas	Skaggs
Hartzog	Smith of Hopkins
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stinson
Hyder	Talbert
Jackson	Tarwater
James	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Angelina	Vale
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Westbrook
King	Winfree
Knetsch	Wood
Langdon	Worley
Absent	
Bates	Davison
Brown	of Eastland
Cathey	Dean
Celaya	England

Fox	McCracken
Graves	McFarland
Harris of Dickens	McKinney
Heflin	Nicholson
Herzik	Oliver
Hull	Reader
Jones of Atascosa	Riddle
Jones of Falls	Ross
Kenyon	Sharpe
Leyendecker	Stevenson
Mays	Stocks

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

HOUSE BILL NO. 713 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—115

Alexander	Deglandon
Alsup	Derden
Amos	Dickison
Baker	England
Beckworth	Fielden
Bell	Fox
Blankenship	Fuchs
Boethel	Gibson
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bradford	Harbin
Bridgers	Hardin
Broadfoot	Harper
Brown	Harrell
Burton	Harris of Archer
Cagle	Harris of Dallas
Cauthorn	Hartzog
Cleveland	Holland
Colquitt	Hoskins
Davis of Haskell	Howard
Davis of Jasper	Huddleston
Davison of Fisher	Hyder
Davison	Jackson
of Eastland	James

Johnson of Ellis	Prescott
Johnson	Quinn
of Tarrant	Reed of Bowie
Jones of Angelina	Reed of Dallas
Jones of Falls	Rhodes
Jones of Wise	Roark
Keefe	Russell
Keith	Rutta
Kelt	Schuenemann
King	Settle
Knetsch	Sewell
Langdon	Shell
Lankford	Simpson
Lanning	Skaggs
Leath	Smith of Hopkins
Leonard	Smith
Little	of Matagorda
Loggins	Smith of Tarrant
London	Stevenson
Lucas	Stinson
Mauritz	Talbert
McConnell	Tarwater
McDonald	Tennant
McKee	Tennyson
Metcalf	Thornberry
Moffett	Thornton
Monkhouse	Vale
Morris	Waggoner
Morse	Walker
Newton	Weldon
Palmer	Westbrook
Patterson	Winfree
of Travis	Wood
Petsch	Worley
Powell	

Absent

Bates	Mann
Cathey	Mays
Celaya	McCracken
Dean	McFarland
Felty	McKinney
Graves	Nicholson
Harris of Dickens	Oliver
Heflin	Reader
Herzik	Riddle
Hull	Ross
Jones of Atascosa	Sharpe
Kenyon	Stocks
Leyendecker	

Absent—Excused

Adkins	Kern
Callan	Patterson of Mills
Carssow	Pope
Dollins	Ragsdale
Farmer	

Mr. McConnell moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

HOUSE BILL NO. 727 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 727, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of Texas relating to the fees paid constables, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 842 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 842, A bill to be entitled "An Act to amend Articles 6890 and 6898 of the Revised Statutes of Texas, so as to require every person having cattle, hogs, sheep, or goats to brand or ear-mark the same and to register such brand or ear-mark with the County Clerk of the county where such cattle, hogs, sheep or goats shall be and in certain other counties, on or before January 1, 1938, and every five years thereafter, and declaring an emergency."

The bill was read third time.

Mr. Metcalfe offered the following amendments to the bill:

Amend House Bill No. 842, by striking out all of Section One, and substituting in lieu thereof the following:

Section 1. That Article 6890 of the Revised Statutes of Texas, be, and the same is hereby amended, so as to read as follows:

"Article 6890. Every person, firm or corporation, who has horses, mules, cattle, hogs, sheep or goats shall have a brand and ear mark differing from the brand and ear mark of every other person, firm or corporation ranging such livestock in the same county, and shall register such brand and ear mark with each county clerk of the county, where such livestock is kept, before the first day of January, 1938, and during the month of December every five years thereafter.

Provided however, the terms of this Act shall not apply to brands upon which a copyright has issued, and provided further any such person, firm or corporation actually using any brand on any such animals for as long as one year next preceding the first day of January, 1938, shall be the owner thereof; providing such

brand, or brands, is duly registered within a period of one year after January first, 1938, and in the event two or more such persons, firms or corporations shall be using the same brand, the one first duly registering the same in any county in which any such animals are kept shall be the owner thereof. Every such person, firm, or corporation may have a different brand for horses, mules, cattle, hogs, sheep and goats, and no more, and may register the same in every country in which such livestock is kept."

Amend House Bill No. 842, page 1, line 32, by striking out the word, "individual," and inserting in lieu thereof the following, "person, firm, or corporation."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 842 was then passed.

HOUSE BILL NO. 855 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 855, A bill to be entitled "An Act to conserve and promote the prosperity and welfare of the citrus industry of the State of Texas by promoting the sale of citrus fruits produced in the State of Texas through the conducting of a publicity, advertising and sales promotion campaign to increase the consumption of such citrus fruits; to levy and impose an excise tax and to provide for the collection of same on all citrus fruits grown in the State of Texas; to create a citrus advertising fund; to define certain terms as used in this Act; to vest the administration of this Act in a Growers' Industry Committee and a Shippers' Marketing Committee under the supervision of the Commissioner of Agriculture of the State of Texas; . . . etc., and providing for an emergency."

The bill was read third time.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 855, Sec. 6, by striking out the words and figures "Five (5c) Cents" and inserting in lieu thereof the words and figures "Two (2c) Cents".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 855 was then passed.

HOUSE BILL NO. 881 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 881, A bill to be entitled "An Act adding a new Article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, Wise and Eastland Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such Counties, the provisions of Article 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency."

The bill was read third time.

Mr. Davison of Fisher offered the following amendment to the bill:

Amend House Bill No. 881, by adding in the proper places in the caption and body of the bill immediately after the word "Eastland" the names of the following counties: Fisher, Guadalupe, Gillespie, Kendall, Blanco, Llano, Hardeman, Gonzales and Wise.

PETSCH.

DAVISON of Fisher.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 881 was then passed.

Mr. Reed of Bowie moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

HOUSE BILL NO. 937 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure or any part thereof of any cemetery or burial

ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not to exceed Two Hundred Dollars, or by imprisonment in the county jail or by both such fine and imprisonment, and declaring an emergency."

The bill was read third time.

Mr. Thornberry offered the following amendment to the bill:

Amend House Bill No. 937, by placing a semicolon at the end of Section 1, and the following words: "provided that this Act shall be construed so as not to apply to any cemetery or burial ground condemned for public use in any eminent domain proceedings".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 937 was then passed.

HOUSE BILL NO. 999 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 999, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 1011 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 1011, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than seven thousand and eighty (7,080) and not more than seven thousand two hundred and fifty (7,250) inhabitants, whether organized under General or Special

Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

The bill was read third time, and was passed.

HOUSE BILL NO. 1016 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 46-A of the Revised Civil Statutes of Texas, Acts, 1931, Forty-second Legislature, and declaring an emergency."

The bill was read third time.

Mr. Rutta offered the following amendment to the bill:

Amend House Bill No. 1016, page 1, line 22, by changing the word "five" to the word "two" before the word "years".

The amendment was adopted.

House Bill No. 1016 was then passed.

HOUSE BILL NO. 1037 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 1037, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation; . . . etc., and declaring an emergency."

The bill was read third time.

On motion of Mr. Alexander, the bill was laid on the table subject to call.

HOUSE BILL NO. 1049 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 1049, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees: (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty

(48,560) and not more than forty-eight thousand, six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

The bill was read third time, and was passed.

SENATE BILL NO. 336 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 336, A bill to be entitled "An Act to amend Section 16, Article 3902, Revised Civil Statutes, 1925, as amended by Chapter 465, Acts of the Second Called Session, Forty-fourth Legislature."

The bill was read third time.

Mr. Quinn offered the following amendment to the bill:

Amend Senate Bill No. 336, page one, Sec. 1, line 11, by striking out the words and figures "of less than twenty thousand (20,000)" and insert in lieu thereof the following: "not less than fifteen thousand, one hundred and forty (15,140) and not more than fifteen thousand one hundred and sixty (15,160)".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 336 was then passed.

ADJOURNMENT

Mr. Hanna moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion prevailed, and the House, accordingly, at 11:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: House Bill No. 1137.

Conservation and Reclamation: House Bills Nos. 832 and 1139.

Education: House Bill No. 851.

Game and Fisheries: House Bill No. 1135.

Municipal and Private Corporations: Senate Bills Nos. 284 and 349.

Judicial Districts: Senate Bill No. 483.

Revenue and Taxation: House Bills Nos. 890 and 1141; Senate Bill No. 470.

State Affairs: House Bill No. 1129; House Concurrent Resolutions Nos. 97 and 101; Senate Bills Nos. 276 and 484.

The following committees have filed adverse reports on bills, as follows:

Education: House Bill No. 565.

Municipal and Private Corporations: House Bill No. 416.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 26, 1937.

Hon R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 584, "An Act authorizing the Commissioners Court in any county having a population of less than thirty-five thousand (35,000) inhabitants according to the last preceding Federal Census, and having an assessed property valuation exceeding Seventy Million (\$70,000,000.00) Dollars, according to the approved tax rolls for the preceding year, to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses; providing for filing of itemized accounts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 600, "An Act appropriating the sum of One Million and Eighty Thousand (\$1,080,000.00) Dollars as a supplement to the funds appropriated under the provisions of House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature; providing no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing that funds herein appropriated shall be expended under the terms of said Act; providing for a Joint Committee of the Forty-fifth Legislature to approve grants of aid under this Act and under House Bill No. 327 of the Regular Session of the Forty-fourth Legislature; granting said Committee certain powers; making an appropriation from the Contingent Expense Fund of the Forty-fifth Legislature to pay the expenses of said Committee; providing that said funds shall be prorated between the schools eligible to receive aid; providing that all applications for transportation aid, salary aid, and industrial aid shall have been on file and approved prior to the passage of the Act, and that all applications for tuition aid shall be on file by June 10, 1937; providing all moneys allocated under this Act shall be used for purposes specified under the provisions of said House Bill No. 327 and for no other purpose; providing a penalty for violating the provisions of the Act; allocating One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, to supplement the payment of tuition aid for certain schools under the fiscal year 1935-1936; setting aside the sum of Ten Thousand (\$10,000.00) Dollars to the Division of Census for checking and making transfers and census; allocating Three Thousand (\$3,000.00) Dollars to be used by the State Auditor in investigating expenditure of funds appropriated by said House Bill No. 327 and this Act and for

making a public report thereof, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 27, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1007, "An Act relating to marks and brands of livestock in Jasper and Newton Counties; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899c, requiring that each owner of any livestock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said Counties; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records and marks and brands now in existence in Jasper and Newton Counties shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said Counties; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in said Counties for a period of thirty (30) days, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 103, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 1007.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 27, 1937.
Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 104, Inviting His Ex-

cellency, the Honorable Franklin
Delano Roosevelt, President of the
United States, to speak before a Joint
Session of the Legislature.

Has carefully compared same and
finds it correctly enrolled.

HERZIK, Chairman.

In Memory of Judge John Calvin Marshall

Mr. Moffett offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unerring certainty, and the inescapable edict of the Grim Reaper falls, much as we may seek to defer it; and

Whereas, Judge John Calvin Marshall, of Quanah, Hardeman County, Texas, died on April 11, 1936; and

Whereas, Judge Marshall was one of the outstanding and distinguished citizens of Texas, and more especially of Northwest Texas, some of the chief events in his life being: Born February 6, 1875, at Shongaloo, Webster Parish, Louisiana; removed to Texas with his parents at the age of twelve; after undergoing many hardships to obtain an education was admitted to the Bar in the summer of 1899; removed to Quanah, Hardeman County, Texas, August, 1899. He was elected County Attorney of Hardeman County in 1900 and was re-elected in 1902. He was elected County Judge of Hardeman County in 1904 and was re-elected in 1906 and 1908. In 1918, Judge Marshall was elected to the House of Representatives of the Thirty-sixth Legislature and in 1920 was elected to the Thirty-seventh Legislature. He was an outstanding leader and an independent thinker during his entire legislative career. In 1924 he was elected a delegate to the National Democratic Convention in New York City. In 1928 he became a member of the Democratic State Executive Committee. He was long a lay leader in the Methodist Episcopal Church, South, and represented the Northwest Texas Conference, of that denomination, as a lay delegate to its General Conference, on more than one occasion; and

Whereas, Throughout his entire public career Judge Marshall was recognized as an able lawyer, a patriotic citizen, a just and upright judge, and as a man who reflected honor upon his adopted State; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That we deplore the untimely death of Judge J. C. Marshall and express our sincere regrets to the members of his family and that when the House adjourns today it do so in honor of his memory and that a page of the Journal be set apart for the enrollment of this resolution and that a copy of this resolution be furnished to the members of his family.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carsow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Walker, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.